

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DAMON ATKINS, Plaintiff, v. CITY OF READING, et al., Defendants.	C.A. No. 5:23-CV-02732-JMG
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PLAINTIFF'S APPENDIX ON MOTION FOR PARTIAL SUMMARY JUDGMENT

CORNERSTONE LAW FIRM, LLC

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**MP4 Video File, Bates No. Atkins 000055
(approx. 43.0 MB) submitted to Judge
Gallagher's Chambers via Thumb Drive and
DropBox Link**

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DAMON ATKINS, : Civil No.
Plaintiff : 5:23-cv-02732-JMG
:
vs. :
:
CITY OF READING, EDDIE :
MORAN, RICHARD TORNIELLI, :
BRADLEY T. MCCLURE, and :
COURTNEY DUPREE, :
Defendants :

- - -

Friday, March 22, 2024

- - -

Deposition of DAMON ATKINS taken in the
Law Offices of Cornerstone Law Firm, LLC, 8500
Allentown Pike, Suite 3, Blandon, Pennsylvania,
on the above date, commencing at 12:32 p.m.
before Lauren A. Buchak, Registered Merit
Reporter and Certified Realtime Reporter.

Page 2

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APPEARANCES:

CORNERSTONE LAW FIRM, LLC

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-- For the Defendants

ALSO PRESENT

Bradley McClure

Page 4

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21

22

23

24

25

DEPOSITION SUPPORT INDEX

Directions to Witness Not to Answer

PAGE LINE

Request for Production of Documents

PAGE LINE

Stipulations

PAGE LINE

Questions Marked

PAGE LINE

Page 3

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

INDEX TO WITNESSES

WITNESSPAGE

DAMON ATKINS

By Mr. Conley5, 194

By Mr. Ready178

INDEX TO EXHIBITS

EXHIBITDESCRIPTIONPAGEMARKED

Atkins-1Complaint25

Atkins-2Police Criminal Complaint90

Atkins-3Article Bates Stamp

Atkins000007 and

Atkins00000897

Atkins-4Plaintiff's Responses to

Defendants' First Set of

Interrogatories144

Page 5

1

2

3

4

5

6

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DAMON ATKINS, after having been

affirmed, was examined and testified as

follows:

* * *

EXAMINATION

BY MR. CONLEY:

Q. Mr. Atkins, my name is Brian

Conley. I am counsel for the defendants in this

lawsuit that you filed. I am here to take your

deposition today. I'm going to go into some

instructions, but before I do that, I want to ask

if you've ever had your deposition taken before

in any circumstance?

A. No.

Q. So I've got some instructions for

you about how this is going to be conducted and

what to expect. As you can see, we have a court

reporter here to my right, your left. She is

taking down everything that you and I say and

what your counsel may say. Her job is a

difficult one, so to make it easier and to make

the transcript clearer, I ask a couple things.

First, I'm going to ask you some

questions, and you'll be giving me answers. It's

normal conversation for you to either anticipate

<p style="text-align: right;">Page 6</p> <p>1 what I'm going to say or maybe you know what the 2 question is going to be already and to kind of 3 jump in. 4 Normal conversation in a 5 deposition is kind of tough. It doesn't come 6 across well in the transcript. So I'm going to 7 ask you to let me finish my question and then 8 provide your answer. Your counsel also may 9 object. If he does so, you know, a little bit of 10 a gap helps him to do that so we're not all 11 talking over each other. 12 I ask that you listen to the 13 question that I ask and answer that question. 14 Your answers have to be verbal. Nods of the 15 head, shoulder shrugs, uh-huh, huh-uh, things 16 like that, they don't come across clearly on the 17 transcript. Okay? 18 A. Okay. 19 Q. I ask that if at any point you 20 can't hear me or, like, I normally don't speak 21 softly, but if you can't hear me or you don't 22 understand my question, please just let me know. 23 A. Yes. 24 Q. And I can clarify it or speak 25 louder. I'm not asking for guesses from you. I</p>	<p style="text-align: right;">Page 8</p> <p>1 welcome to do that at any time. 2 A. All right. 3 Q. Are you on any substances or 4 using any alcohol or any medications that would 5 prevent you from testifying truthfully today? 6 A. No, sir. 7 Q. Okay. Is there any reason that 8 you wouldn't be able to understand and respond to 9 my questions? 10 A. No, sir. 11 Q. Okay. Just some background 12 stuff. Let's start with your full legal name. 13 A. Damon Frederick Atkins. 14 Q. And any other names that you go 15 by? 16 A. Well, when I was in a foster home 17 I applied for a credit card in the name of my 18 foster family which is Lafferty. 19 Q. Lafferty? 20 A. Yeah. 21 Q. Do you go by Lafferty? 22 A. No. I never used it since. It 23 was just that name, and my brother used my name 24 before, so I have his name attached to mine with 25 my name.</p>
<p style="text-align: right;">Page 7</p> <p>1 want to know what you know. So if you don't know 2 something, I don't know is a perfectly acceptable 3 answer. It's okay to estimate. For example, if 4 you have to estimate the length of this table, 5 that's fine. You can do so. Please just be 6 clear that it's an estimate. That way it comes 7 across better on the transcript. Okay? 8 A. Yes. 9 Q. All right. If you need to take a 10 break at any point, you're welcome to do that. 11 Just let me know, and that's fine. The one 12 caveat to that is that if I have asked you a 13 question and that question is pending, i.e., it 14 hasn't been answered -- 15 A. Yes. 16 Q. -- just answer that question 17 first and then we can take a break. All right? 18 A. Okay. 19 Q. If at any point you need to go 20 back and correct your testimony or you feel that 21 you need to add something, please just let me 22 know, and I'm happy to do that for you. I say 23 that I'll try to give you an opportunity to do 24 that after we take breaks, but I'm not the best 25 at doing that. I'll try, but you're more than</p>	<p style="text-align: right;">Page 9</p> <p>1 Q. So your brother used your name -- 2 A. When he got in trouble. 3 Q. Okay. So he told the wrong 4 name -- 5 A. Yes. 6 Q. -- to authorities or something 7 like that? 8 A. Yes. 9 Q. Okay. And just to remind you, 10 let me finish my question before you answer. 11 You're jumping just a little bit. 12 A. All right. 13 MR. READY: Damon, the reason we 14 got to do that is she has to write 15 down -- 16 THE WITNESS: I understand. 17 MR. READY: So just anybody 18 talking, let them finish. 19 THE WITNESS: This is awkward, so 20 it might take me a little bit to -- 21 BY MR. CONLEY: 22 Q. I understand. It's your first 23 deposition. I completely understand that. If 24 you need to take a break and kind of recenter 25 yourself, perfectly acceptable. Also, you don't</p>

Page 10

1 have to answer my question immediately. You
2 can -- if you want to take a couple beats --
3 A. Okay.
4 Q. -- that's fine. It's not a race,
5 and it's not going to come across any different
6 on the transcript.
7 Okay. So you don't go by any
8 other names actively?
9 A. No.
10 Q. What's your current address?
11 A. 128 North 4th Street, Reading, PA
12 19601.
13 Q. How long have you resided there?
14 A. I have a healthy fear of not
15 telling the truth, so I want to say four years,
16 maybe.
17 Q. Okay. I understand that, and I
18 don't want you to guess, so it's okay to
19 estimate.
20 A. I've been there for a few years.
21 Q. Okay. That's fine. Do you live
22 with anybody at that address?
23 A. Yes.
24 Q. Who is that?
25 A. My friend Sara.

Page 11

1 Q. What's Sara's name?
2 A. Sara McCleery.
3 Q. Can you spell that?
4 A. M-C-C-L-E-E-R-Y.
5 Q. Thank you.
6 A. I'm not a hundred percent sure.
7 I think that's how you spell it.
8 Q. Okay. Are you in a romantic
9 relationship with her?
10 A. No.
11 Q. Have you been married at any
12 point?
13 A. No.
14 Q. Do you have any children?
15 A. No.
16 Q. How long have you lived with Ms.
17 McCleery at that address?
18 A. The entire time.
19 Q. Okay. We're here to discuss an
20 event -- well, we're here to discuss your lawsuit
21 which concerns an event on June 3rd, 2023. Were
22 you living at that 128 North 4th Street address
23 at that time?
24 A. Yes, sir.
25 Q. Have you filed any other lawsuits

Page 12

1 in your lifetime?
2 A. Well, I broke my neck at work,
3 and we settled, but yeah. Yeah. That's filing,
4 right? Yeah.
5 Q. Was it a workers' compensation
6 claim?
7 A. Yeah.
8 Q. I'm sorry to hear that.
9 A. That's okay.
10 Q. Are you recovered?
11 A. Yeah. I still have neck problems
12 and sometimes my back, but the doctors said I
13 should have come to him in a wheelchair, so I'm
14 doing fine compared to that.
15 Q. When was that, the injury?
16 A. I'm not -- it was a while ago.
17 '18, I want to say.
18 Q. Okay. And how old are you today?
19 A. I'm 42 years old.
20 Q. What's your birthday?
21 A. 8/8/81.
22 Q. Easy to remember. Okay. Other
23 than that workers' compensation issue, any other
24 lawsuits that you have been involved in either as
25 a plaintiff, the person filing the lawsuit, or as

Page 13

1 a defendant?
2 A. No, sir.
3 Q. Are you working currently?
4 A. Yes, sir.
5 Q. Where do you work?
6 A. McDonald's.
7 Q. And what's your position there?
8 A. Maintenance.
9 Q. How long have you been at
10 McDonald's?
11 A. I just started.
12 Q. Like, in the past week? Past
13 month?
14 A. The past week. Yeah. I've been
15 four days, I believe.
16 Q. Were you working at the time of
17 the incident on June 3rd, 2023?
18 A. No, sir.
19 Q. Starting -- let's just start with
20 2020, January 1, 2020. Can you walk me through
21 chronologically your employment since that time?
22 A. I don't remember. I can give you
23 my last three jobs. So McDonald's is present
24 one. Before that I worked at Walmart. Before
25 that I worked at Reading Steel.

<p style="text-align: right;">Page 14</p> <p>1 Q. Do you know the time frames when 2 you worked at Walmart or Reading Steel and/or 3 Reading Steel? 4 A. No, sir. Walmart was, I think, 5 November and December of this year, and the 6 Reading Steel place, I'm not sure. 7 Q. When you say November and 8 December of this year, I assume you mean November 9 and December of 2023? 10 A. Yeah. I'm sorry. 11 Q. Aside from the incident on June 12 3, 2023, have you ever been arrested? 13 A. Yes. 14 Q. Okay. What other times have you 15 been arrested? 16 A. I was in a foster home. I was 17 young. I got arrested for simple possession of 18 marijuana. 19 Q. Was that in Pennsylvania? 20 A. Yes. 21 Q. Whereabouts in Pennsylvania? 22 A. I don't know exactly, but my 23 foster home was in Norwood, PA, so it was around 24 there. Delaware County. 25 Q. Other than the simple possession,</p>	<p style="text-align: right;">Page 16</p> <p>1 Q. More than a month? 2 A. Not a month. Kind of like in the 3 middle. 4 Q. Okay. 5 A. So more than a week but not quite 6 a month. 7 Q. Okay. 8 A. It seemed like forever, so that's 9 why I'm not sure exactly. 10 Q. Understood. About what time 11 frame was that second arrest where you spent some 12 time in jail? 13 A. 2004. The first arrest was '98, 14 '99, I want to say. 15 Q. Okay. And between 2004 and 2023, 16 no other arrests? 17 A. Uh-uh. 18 Q. Any other arrests since June 3, 19 2023? 20 A. No, sir. 21 Q. I don't want to put words in your 22 mouth, so what would you call your activities 23 outside the Reading City Hall on June 3, 2023? 24 A. Evangelizing. 25 Q. Evangelizing. Okay. Have you</p>
<p style="text-align: right;">Page 15</p> <p>1 and you said that that was when you were in a 2 foster home, any other criminal -- any other 3 arrests aside from the June 3rd, 2023 incident? 4 A. Yeah. There was one other time I 5 was at a house party, and the neighbor called 6 'cause she smelled marijuana, and I was arrested 7 that time, but they gave me time served. I was 8 in jail for, like, a couple days and then they 9 let me go. 10 Q. You were in jail from the 11 original arrest from that incident? 12 A. No. From the house party I was 13 at. It got dropped to a disorderly conduct, the 14 first arrest. I was a young kid. I was just, 15 you know, doing things I shouldn't have been 16 doing. The first time I was inside a car, that 17 got dropped, I believe. And then the second 18 time, the neighbor called the cops on us, and I 19 went to jail for that one. 20 Q. About how long were you in jail? 21 A. I don't want to misspeak, so it 22 was a little bit. I got time served when I got 23 to the judge. 24 Q. Was it more than a week? 25 A. I would say yeah.</p>	<p style="text-align: right;">Page 17</p> <p>1 ever used the term "street preaching"? 2 A. What do you mean? Like, do I 3 call myself a street preacher? 4 Q. Either call yourself a street 5 preacher or say that you have been street 6 preaching? 7 A. Well, yeah. I mean, in a sense 8 that's what you are doing. You're street 9 preaching, evangelizing, spreading the gospel. 10 Q. Can you use those terms 11 interchangeably? 12 A. Well, yeah. They all go 13 together, I believe, for me. 14 Q. Okay. I don't want to, again, 15 put words in your mouth, but if you're 16 evangelizing and you're inside a building, I 17 guess it's not technically street preaching. 18 Would that be fair? 19 A. Yes, sir. 20 Q. Okay. But if it's outside on the 21 street on a public roadway or something like 22 that, you would consider that street preaching? 23 A. Yeah. Any time you're lifting, 24 raising your voice up, that would be street 25 preaching to me.</p>

5 (Pages 14 - 17)

<p style="text-align: right;">Page 18</p> <p>1 Q. How long have you been doing 2 that, the evangelizing? 3 A. Well, evangelizing I've been 4 doing for probably three years, I would say. 5 That's telling people about Lord Jesus Christ. 6 Street preaching, probably about two years, I 7 believe. 8 Q. All right. I'm going to jump 9 back just a little bit. Please excuse me with 10 the cough. I'm getting over some bronchitis, so 11 I want to ask you about your education. What's 12 the highest level of education you have? 13 A. I left school at 11th grade. 14 Q. What school was that? 15 A. Interboro High School. 16 Q. Is that in Norwood? 17 A. Norwood, PA. Yes. 18 Q. In your complaint you allege that 19 you have sincerely held religious beliefs. Can 20 you describe to me your religious affiliation? 21 A. To Jesus Christ. 22 Q. However you want to describe it. 23 A. I have a relationship with Jesus 24 Christ of Nazareth, and he's changed my life. 25 Q. Are you a member of any church or</p>	<p style="text-align: right;">Page 20</p> <p>1 Q. When did you become a follower of 2 Jesus Christ? 3 A. My whole life, really, I felt his 4 presence, but I didn't really know. When I 5 really became a follower is when I opened up the 6 Bible and began to read because I would do verses 7 of the day and little videos here and there, but 8 I did not expect what happened when I opened up 9 the Bible and read it. 10 Q. When did that happen? 11 A. It was about two and a half, 12 three years ago. Maybe even less than that. 13 Q. So earlier you told me that you 14 had been evangelizing for about three years? 15 A. Yeah. 16 Q. Is that about the time that you 17 started becoming really a follower of Jesus 18 Christ? 19 A. Well, when I broke my neck and 20 the doctor told me I should be in a wheelchair, 21 it felt like I landed on a pillow, so that's what 22 started it. Something was there, I felt, because 23 there's just -- how does that happen? It 24 literally felt like I landed on a mattress. I 25 had blood coming down off of me, and they were</p>
<p style="text-align: right;">Page 19</p> <p>1 congregation? 2 A. I attend church, but I'm not 3 really a member. 4 Q. Okay. Of what church do you 5 attend? 6 A. I just found, I think it's St. 7 James Church because I try to keep the Sabbath, 8 which is Friday sundown to Saturday sundown, so I 9 always like to find a church to go to on the 10 Sabbath, so I just found one. It's St. James in 11 Reading. 12 Q. And you said you keep a Sabbath 13 of Friday sundown to Saturday sundown? 14 A. Yes, sir. 15 Q. My understanding is that would be 16 an Old Testament of the Bible Sabbath? 17 A. Yes, sir. And New Testament, 18 too. 19 Q. I think from what you told me I 20 know the answer to this question, but I'm going 21 to ask you, do you consider yourself a member of 22 any denomination of Christianity? 23 A. No. 24 Q. Okay. 25 A. Just a follower of Jesus Christ.</p>	<p style="text-align: right;">Page 21</p> <p>1 like, yo, what's wrong with you? 2 And at first I just shook it off 3 because I never had a work injury nor did I want 4 to get hurt at work. That wasn't my intent. I 5 didn't want to lose the job, so I didn't want to 6 say anything, but there was blood all over me, so 7 I had to say something. 8 Then they took me to urgent care, 9 and that's when I found out I broke my vertebrae, 10 but I knew when I left that building that 11 something helped me and then I began to look into 12 what it was. 13 Q. So is it fair to say that that 14 neck injury was kind of an impetus for your 15 beliefs? 16 A. It started it. Yep. 17 Q. I'm going to go back and come 18 back forward. You were in foster care. How long 19 were you in foster care? 20 A. I was put in foster home when I 21 was 12. 22 Q. What happened that placed you in 23 foster care? 24 A. My mom. She wasn't really -- she 25 was trying, but she wasn't really doing what she</p>

<p style="text-align: right;">Page 22</p> <p>1 needed to do, I guess. She was struggling with 2 drugs. I think one year in fourth grade I went, 3 like, three days, so they came to my house to 4 find out why and then it just spiraled out of 5 control from there. 6 Q. Do you need a break? 7 A. No. 8 Q. I understand these are sensitive 9 questions. 10 A. I just haven't thought about that 11 in a while. She tried, though. 12 Q. Was it because your mother 13 couldn't care for you or did something happen to 14 her? Did she pass away? 15 A. She did pass after I was put in a 16 foster home, but that wasn't the reason. I felt 17 the reason was because she was just so 18 overwhelmed. I have six brothers and sisters, 19 and she was trying, but she had her first kid at 20 16, so, you know, I just feel she was 21 overwhelmed. That, and she loved us. 22 Q. And your father, did you have a 23 relationship with him? Was he involved? 24 A. No. I seen him once or twice. 25 He came to my foster home one time and passed out</p>	<p style="text-align: right;">Page 24</p> <p>1 address. 2 A. Yeah. All right. If I knew it, 3 I would tell you. I don't have a problem. My 4 main concern now when I talk to them is I want to 5 read the Bible, so I'm not really -- you know, I 6 just try and help them. 7 Q. Have any of your sisters agreed 8 with you and read the Bible with you? 9 A. Oh, yeah. Yeah. 10 Q. All three of them? 11 A. I just read the Bible with my 12 sister last night. My oldest sister, I'm trying 13 to get my other sister to bring her a Bible 14 today, so yeah. They agree with me. The 15 one -- two of them do. One of them feels like, 16 you know, she's not ready yet. So I just kind of 17 give her her space and let her know I'm there. 18 Q. You filed a lawsuit against my 19 clients, the City of Reading, Mayor Eddie Moran, 20 Sergeant McClure over here to my left, Courtney 21 Dupree and Richard Tornielli. Do you recall 22 filing that lawsuit? 23 A. Yeah. I contacted a lawyer. 24 Yeah. 25 Q. Okay. I don't want to know what</p>
<p style="text-align: right;">Page 23</p> <p>1 in my driveway. That was pretty embarrassing, 2 but I never really met him. 3 Q. Did he have a drug problem? 4 A. He had an alcohol and a drug 5 problem. Yeah. One time when he called me, he 6 called me Damian. That kind of hurt because 7 that's not even my name, so that just lets you 8 know. 9 Q. I'm sure. 10 A. Again, I believe he tried. It's 11 just he was from that, like, generation of using 12 drugs. I wish he would have met Jesus Christ. 13 Q. Your six brothers and sisters, do 14 they live around the area? Do you have 15 relationships with them? 16 A. I only speak to two, three 17 sometimes of my sisters. My two brothers, I 18 don't know where they're at. I plan on -- I'm 19 trying to pursue them. And my three sisters I 20 try to talk to daily because I want them to Bible 21 study with me, so I -- and they live in -- I 22 don't want to misspeak. I'm not even sure. 23 Q. Are they in Pennsylvania? 24 A. Yeah. 25 Q. I'm not going to ask for their</p>	<p style="text-align: right;">Page 25</p> <p>1 you discussed with your lawyer. I'm just asking 2 if -- I guess I should clarify that question. 3 To start the lawsuit we received 4 something that's called a complaint. Do you 5 recall drafting or crafting that complaint with 6 the assistance of an attorney? 7 A. Yes. Yes, sir. 8 Q. Thank you. Did you review that 9 complaint before it was submitted? 10 A. Unless I got an email that I'm 11 not aware of, I want to say no, sir. 12 Q. Okay. I'm going to show you a 13 document then. 14 MR. CONLEY: Can I have this 15 marked as Atkins-1? 16 (A document was marked for 17 identification as Atkins Exhibit No. 1.) 18 BY MR. CONLEY: 19 Q. Mr. Atkins, I have provided you a 20 document that I've marked as Atkins-1 in this 21 deposition. It's a copy -- or I'm representing 22 to you it's a copy of the complaint that you 23 filed that initiated this lawsuit. Have you had 24 a chance to look through that? 25 A. Yeah. I mean, do you want me to</p>

<p style="text-align: right;">Page 26</p> <p>1 read the whole thing?</p> <p>2 Q. I don't need you to read the</p> <p>3 whole thing. Do you recognize that document?</p> <p>4 A. I don't remember seeing this, but</p> <p>5 I would refer to my lawyer.</p> <p>6 Q. Well, respectfully your lawyer</p> <p>7 can't answer the question. It's your answers to</p> <p>8 the question. If you would like to read through</p> <p>9 the whole thing, I can certainly give you that</p> <p>10 leeway. I just didn't want to take the time, but</p> <p>11 if you would like to read the whole thing before</p> <p>12 answering that question, you're more than welcome</p> <p>13 to do so.</p> <p>14 A. Yeah. So the question is, am I</p> <p>15 aware of this?</p> <p>16 Q. My question is: Do you recognize</p> <p>17 it?</p> <p>18 A. Yes.</p> <p>19 Q. Okay.</p> <p>20 A. Yes, sir.</p> <p>21 Q. And the second part of that</p> <p>22 question is: Does this accurately reflect -- let</p> <p>23 me strike that.</p> <p>24 Is this a copy of the -- have you</p> <p>25 seen a copy of this document before today?</p>	<p style="text-align: right;">Page 28</p> <p>1 Q. Okay. Does this paragraph</p> <p>2 accurately reflect your beliefs, your religious</p> <p>3 beliefs?</p> <p>4 A. Yes, but it's all sin.</p> <p>5 Q. What's all sin?</p> <p>6 A. All sin is offensive to God.</p> <p>7 Q. Okay.</p> <p>8 A. Not just sexual because I feel</p> <p>9 like that kind of puts some people in a corner</p> <p>10 when you just -- you know, it's all sin.</p> <p>11 Q. All right. So you agree with me</p> <p>12 that where it says -- let's start with the first</p> <p>13 phrase after the first semicolon. It reads that</p> <p>14 the practice and promotion of homosexuality is</p> <p>15 sinful and highly offensive to God. Do you agree</p> <p>16 with that statement?</p> <p>17 A. Yeah, but it's all sexual conduct</p> <p>18 in general. It's not just specifically</p> <p>19 homosexuality.</p> <p>20 Q. Okay.</p> <p>21 A. If you're not married to a woman,</p> <p>22 it's highly offensive to God.</p> <p>23 Q. So this paragraph might reflect</p> <p>24 your beliefs, but it's not the complete</p> <p>25 reflection of your beliefs. Is that fair?</p>
<p style="text-align: right;">Page 27</p> <p>1 A. No, sir.</p> <p>2 Q. So how do you recognize it?</p> <p>3 A. I recognize from the police</p> <p>4 report.</p> <p>5 Q. What police report? What are you</p> <p>6 referring to?</p> <p>7 A. The police report that when I was</p> <p>8 reading this looks like it explains what</p> <p>9 happened.</p> <p>10 Q. Okay. I'm not asking about the</p> <p>11 police report. I'm asking if you recognize this</p> <p>12 document that I've presented in front of you?</p> <p>13 A. No, sir.</p> <p>14 Q. Okay. I'll represent to you that</p> <p>15 this is the complaint that you filed in this</p> <p>16 matter. I'm going to direct your attention to</p> <p>17 paragraph 20. It's on page 3 of 13.</p> <p>18 A. Okay.</p> <p>19 Q. Can you read that paragraph 20 to</p> <p>20 yourself, please?</p> <p>21 A. This I remember. I remember</p> <p>22 reading this somewhere, so I just -- it was like</p> <p>23 a whirlwind after this happened, so I remember</p> <p>24 reading this which maybe I got in an email, but</p> <p>25 okay, after reading it.</p>	<p style="text-align: right;">Page 29</p> <p>1 A. Yes, sir.</p> <p>2 Q. Okay. But you do believe that</p> <p>3 the practice and promotion of homosexuality is</p> <p>4 sinful and highly offensive to God, correct?</p> <p>5 A. Yes, sir.</p> <p>6 Q. Okay. And the next phrase that</p> <p>7 all persons are created in God's image, but as</p> <p>8 binary, quote, male and female he created them,</p> <p>9 end quote. Is that an accurate reflection of</p> <p>10 your beliefs?</p> <p>11 A. Yes, sir.</p> <p>12 Q. And the final phrase there after</p> <p>13 the last semicolon, that all sexual conduct</p> <p>14 outside of a monogamous marriage between one man</p> <p>15 and one woman is sin. Do you believe that?</p> <p>16 A. Yes, sir.</p> <p>17 Q. Okay. And the next paragraph,</p> <p>18 paragraph 21, I'm going to quote it here for you.</p> <p>19 Quote: Atkins believes that those who commit sin</p> <p>20 should be warned of the dangers of sin which</p> <p>21 Atkins believes he learned, quote, the hard way,</p> <p>22 end quote, through life experience rather than</p> <p>23 through teaching and where the ultimate</p> <p>24 punishment for unrepented sin is eternal</p> <p>25 punishment in the afterlife, period, end quote.</p>

8 (Pages 26 - 29)

<p style="text-align: right;">Page 30</p> <p>1 Is that an accurate reading of 2 paragraph 21? 3 A. Yes, sir. I also feel that you 4 can be born again so then that helps with the 5 sin. 6 Q. Can you explain to me what born 7 again means to you? 8 A. It means you have a change of 9 heart, and you don't know how that happened, and 10 the Bible calls it a circumcision of your heart, 11 and your desires, the things you used to want to 12 do, leave you, and they just go away. 13 Like, for example, I was addicted 14 to marijuana, and I just stopped. Nobody forced 15 me. I didn't go to rehab. I didn't take 16 anything for it. I just stopped, and that's why 17 I want to help people and tell them that there is 18 a way, that you can stop sinning because you 19 won't want these desires. 20 Q. How did you come to hold these 21 religious views? 22 A. By experience. I'm blown away. 23 I never expected this to happen to me, and it 24 happened when I started reading the Bible. I 25 used to do my verse of the day, and I would watch</p>	<p style="text-align: right;">Page 32</p> <p>1 my path might not have been taught the way 2 someone else's path is going to be taught, but 3 that only comes from reading. 4 Q. So somebody's personal 5 relationship with God and understanding of 6 religious beliefs may be different than yours? 7 A. Well, I can't -- I can just say 8 my relationship. I don't try to push it on 9 someone. My main thing is to try to get people 10 to read the Bible. That's one of the signs I 11 hold when I street preach. It says please read 12 the Bible, because I know if you do read the 13 Bible, then you're going to go on your walk with 14 God. 15 Q. And if somebody reads the Bible 16 and has a different interpretation than your 17 interpretation of the Bible, would that be okay 18 with you? 19 A. Yeah. 20 Q. Okay. So if they read the Bible 21 and they were to say, well, I read the Bible, and 22 I don't think that, quote, the practice and 23 promotion of homosexuality is sinful, end quote, 24 would that be okay with you? 25 A. I would like to talk about it.</p>
<p style="text-align: right;">Page 31</p> <p>1 some videos. I would go to church. I was around 2 it only till I opened the Bible. I am a 3 different person. All I know is that I was one 4 way. Then I met Jesus Christ of Nazareth, and 5 now I'm a completely different way. 6 Q. So the beliefs that you hold, and 7 you indicated to me that you're not a member of a 8 congregation or you don't identify with any sect 9 of Christianity. Would it be fair to say that 10 your beliefs, your religious beliefs are your own 11 interpretations of the Bible and your personal 12 experiences? 13 A. Well, it's not my interpretation. 14 It's just -- it's just what it says. Like, I 15 don't -- I don't interpret it. I just read what 16 the Bible says and then what comes after that is 17 change. 18 Q. So is it your belief that there's 19 only one way to interpret the Bible? 20 A. No, sir. 21 Q. Okay. So if there are different 22 ways, can different people interpret it 23 differently? 24 A. Well, the Bible says that the 25 Holy Ghost will come and teach you all things, so</p>	<p style="text-align: right;">Page 33</p> <p>1 Q. Why is that? 2 A. Well, because I would like to see 3 where they saw that and where they came from, 4 like, where they're coming from and then I would 5 like to show them. Like, it's not a pushing or 6 an aggressive because I look at -- when I see 7 people, I try to see Jesus Christ of Nazareth. 8 So everyone I speak to and I encounter, I try to 9 have that approach, and I'm open to sitting down 10 and going back and forth. I can't force you to 11 see it one way, but I can ask if you want to sit 12 down and Bible study. 13 Q. If somebody sees it a different 14 way than you, are they wrong? 15 A. Well, according to the Bible and 16 what it says, it depends on how they feel about 17 it. If they don't see the way I do, it's 18 not -- I can't force them to see it. The best I 19 can do is evangelize, talk to them, ask if they 20 want to sit and read the Bible together. 21 Q. Okay. Fair enough. Are there 22 any specific passages in the Bible that condemn 23 homosexuality in your view? 24 A. Well, the Bible in general, God 25 tells us to go and reproduce and fill the world</p>

<p style="text-align: right;">Page 34</p> <p>1 so that, you know, if you don't do that, then how 2 can you, you know, fill the world? Like, when I 3 street preach, I ask the Holy Ghost to help me. 4 So when I go out, I just -- it's almost like off 5 the cuff. Like, I just see what verses, you 6 know, come to me, but I'm not -- I'm not there to 7 push anyone down or push them away because I'm 8 going to have to give an account for everything I 9 say, do and think. 10 So I try to stick to three H's. 11 If you're homeless, I'll let you live in my house 12 rent free. It doesn't matter who you are, what 13 you're doing, anything. I'll help you get a job 14 so you can get your own place. This can be a 15 homosexual or someone that doesn't exactly agree 16 with me. Are you hungry? I will get you 17 something to eat. It doesn't matter who you are, 18 where you're from. Do you need help reading the 19 Bible? That's my main -- that's what I try to do 20 when I'm out there. 21 Q. So I may have counted four H's. 22 A. No. Three. Homeless. Do you 23 need somewhere to stay? Are you hungry? I will 24 get you something to eat. And do you need help 25 with reading the Bible?</p>	<p style="text-align: right;">Page 36</p> <p>1 Q. How do you get the funds to pay 2 for these supplies? 3 A. Through my job. 4 Q. Okay. I guess my question to 5 that would be, it looks like there hasn't been a 6 lot of consistent employment. Are the jobs that 7 you've had sufficient to pay for those supplies 8 and your housing? 9 A. Yes. 10 Q. Do you get any other sort of 11 monetary assistance? 12 A. No, sir. 13 Q. No Social Security or anything 14 like that? 15 A. No, sir. My roommate helps me 16 big time, so she kind of helps me get -- you 17 know, after I leave a job, my intent is to, you 18 know, find another one. 19 Q. And was there -- you mentioned 20 that there was a settlement in that workers' comp 21 case? 22 A. Yes. Yes, sir. 23 Q. Is that part of your financial 24 stability? 25 A. It was for a little bit. Yeah.</p>
<p style="text-align: right;">Page 35</p> <p>1 Q. Okay. Understood. Thank you. 2 I'm going to ask you some general questions about 3 your evangelizing and/or street preaching. I 4 promise I will get to the event. I guess 5 generally when you got involved in evangelizing 6 and street preaching, did you do it alone or did 7 you do it as part of a group? 8 A. Alone. 9 Q. When you do that alone, do you 10 come with any supplies or literature that you 11 like to bring? 12 A. Yes. I usually have -- I had a 13 sign shop make me cards that I hold. I usually 14 have a Bible with me, gospel tracts, food and 15 water in case anyone is hungry or thirsty. I 16 usually have an amplification, something that 17 goes on my belt, and it wraps around like a 18 microphone. 19 Q. So the amplification -- go ahead. 20 I'm sorry. 21 A. And Bibles, too. I really enjoy 22 handing someone a Bible. 23 Q. Do you pay for these supplies 24 yourself? 25 A. Yes, sir.</p>	<p style="text-align: right;">Page 37</p> <p>1 Q. Did that money run out? 2 A. I gave a lot of it away. 3 Q. To whom? 4 A. To whoever. I just walked up to 5 random people and gave them money. 6 Q. Okay. 7 A. Like, I would walk through 8 Walmart and walk up to strange people and hand 9 them hundred-dollar bills because I was beginning 10 to change. I thought the money was going to make 11 me happy, and instead I was miserable. 12 Q. The money didn't make you happy? 13 A. Not at all. 14 Q. Did it make you happy to give the 15 money away? 16 A. That did, yes. 17 Q. Approximately how often do you 18 evangelize and/or street preach? If you want to 19 do it by, like, a weekly, that's fine. 20 A. Well, I like to -- it goes in 21 waves. Sometimes I go more towards Bible 22 studying with people and then when I do and when 23 I am out there, I like to do Friday, Saturday and 24 Sunday if I can and then if I can do it during 25 the week for a few hours, I will. My main days</p>

<p style="text-align: right;">Page 38</p> <p>1 are those days normally. Definitely Saturday and 2 Sunday if I'm able to. 3 Q. Are there any specific locations 4 that you like to go to to evangelize and/or 5 street preach? 6 A. Yes. 7 Q. Can you describe those to me? 8 A. Yeah. 5th and Penn Street. 9 Q. That's in Reading? 10 A. Yes. And the Queen City Diner 11 which is closed on Lancaster Ave. and then I'll 12 go to 5th Street a few streets up from Penn 13 Street and then I'll work, kind of like 14 walk -- I'll work each corner. Like, I'll start 15 a few streets up and then I'll preach there for a 16 little bit, go to the next corner, preach there 17 for a little bit and then I usually stop at 5th 18 and Penn Street. 19 Q. Okay. Is there any reason in 20 particular why you chose or why you choose these 21 locations to street preach? 22 A. It's right next to my house. 23 Q. So convenience? 24 A. Well, no. I feel like if 25 you -- sometimes even when I first started, I</p>	<p style="text-align: right;">Page 40</p> <p>1 before, you know. No matter where -- if you go 2 to any city, you're going to have, you know, 3 people that are struggling, and I just -- I feel 4 that -- I feel the presence of struggle in 5 Reading. 6 Q. Do you believe that people that 7 are homosexual are struggling? 8 A. Well, I feel we all struggle, so 9 I have to -- 10 Q. My question is specifically to 11 homosexuals or the LGBTQ community. I apologize. 12 I cut you off. 13 A. It's okay. I think if anyone 14 doesn't know Jesus Christ of Nazareth, they're 15 struggling. 16 Q. And is it your opinion that 17 people that are homosexual or LGBTQ don't know 18 Jesus Christ? 19 A. Well, I can't speak for everyone. 20 That's why I try to get one-on-one with people so 21 that I can, you know, figure it out. 22 Q. When you street preach, do you 23 ever choose specific events to street preach 24 and/or evangelize? 25 A. Not normally, no.</p>
<p style="text-align: right;">Page 39</p> <p>1 want to just go and just tell the world, but if 2 you start in your own town, then I feel like, you 3 know, you start street preaching on your corner 4 and then see where it goes from there. 5 Q. Do you have an intent to spread 6 the breadth of where you street preach? 7 A. Like, grow and get, like, wider? 8 Q. Yes. 9 A. I mean, I try to follow, you 10 know, if the Lord wants me to do that. Sometimes 11 I'll feel like I need to move down when I was 12 just standing there and then that's when I move, 13 but as of right now, I feel like he put me there 14 for a certain reason because Reading really does 15 need evangelizing. 16 Q. Why is that? 17 A. Well, I think everywhere it does, 18 but there's a lot of -- there's a lot of, and to 19 me, homeless people and people that are lost and 20 might not know that there is a way to combat 21 this. 22 Q. Do you find that those issues are 23 more prevalent or worse in Reading than other 24 places? 25 A. No, because I've lived in Philly</p>	<p style="text-align: right;">Page 41</p> <p>1 Q. Can you explain when you might do 2 that outside of your normal practice? 3 A. One time I was street preaching, 4 and this young man pulled up to me, and he's 5 saying things to me like a man says to another 6 man as if he wanted, you know -- he was 7 complimenting me in an uncomfortable way for me. 8 So as I was standing there street preaching, I 9 didn't engage him. He rolled down his window and 10 started making comments towards me. 11 Q. Sexual comments? 12 A. Yes. And he said, I was born 13 this way. And I said, sir, did it ever occur to 14 you that you can be born again? And I saw the 15 color in his face change. He stopped talking to 16 me. He rolled up his window, and he drove away. 17 That moment right there is when I 18 knew. I was never a pride preacher. I never 19 sought out to go to that, but after I spoke to 20 that young man, I knew if I can tell someone who 21 feels that they were born this way that they can 22 be born again, there's no better -- there's no 23 better saying. So it wasn't my intent to seek 24 out anyone. I want to talk to everyone. Anyone 25 who wants to sit down with me and talk, I'm open</p>

<p style="text-align: right;">Page 42</p> <p>1 to discussing it.</p> <p>2 Q. That event that you described</p> <p>3 when the man rolled down his window, that was</p> <p>4 before June 3, 2023?</p> <p>5 A. Yes. Way before and then that's</p> <p>6 what got me thinking, what if someone else</p> <p>7 doesn't know that? What if -- it wasn't like a</p> <p>8 rude not talk to me. Like, I saw him. I saw the</p> <p>9 color in this young man's face completely change,</p> <p>10 and he was quiet. He rolled up his window, and</p> <p>11 he drove off.</p> <p>12 Q. And so how did you interpret that</p> <p>13 when the color in his face changed --</p> <p>14 A. That he didn't know he could born</p> <p>15 again.</p> <p>16 Q. Again, just --</p> <p>17 A. I'm sorry.</p> <p>18 Q. -- wait for my question to be</p> <p>19 finished before you answer.</p> <p>20 A. I sometimes get excited that, you</p> <p>21 know, that could happen.</p> <p>22 Q. I can tell. Okay. So you</p> <p>23 interpret that, his reaction as agreeing with you</p> <p>24 that he could be born again?</p> <p>25 A. Yes, sir.</p>	<p style="text-align: right;">Page 44</p> <p>1 A. The other one was a few days</p> <p>2 before that where they raised another flag at a</p> <p>3 town hall, and I went to that event as well, but</p> <p>4 before I went to that event, I street preached</p> <p>5 down the street from that for a little bit. Then</p> <p>6 I made my way up there and then I street preached</p> <p>7 after that as well. So I didn't set out to go to</p> <p>8 that event. It was in my -- where I was going.</p> <p>9 Q. And you're talking about the</p> <p>10 event that's not June 3, 2023?</p> <p>11 A. Yes, sir.</p> <p>12 Q. Okay. When was -- you said the</p> <p>13 other event was a couple days before?</p> <p>14 A. Yeah, because it opened up pride</p> <p>15 month, so I don't want to misspeak, but it was</p> <p>16 before June 3rd. A few days before that. I was</p> <p>17 at that event as well.</p> <p>18 Q. Okay. And you said it was at</p> <p>19 town hall? Do you know what town?</p> <p>20 A. It wasn't City Hall where June</p> <p>21 3rd was. It was at -- I don't know. I just -- I</p> <p>22 know it's in Reading, and it's a town building.</p> <p>23 Q. So it was in Reading?</p> <p>24 A. Yes, sir.</p> <p>25 Q. Have you ever gone to West</p>
<p style="text-align: right;">Page 43</p> <p>1 Q. And was it your interpretation</p> <p>2 that that was a positive for him?</p> <p>3 A. Yes, sir.</p> <p>4 Q. A good thing? Okay.</p> <p>5 And because of your</p> <p>6 interpretation of that interaction that then did</p> <p>7 you seek out more interaction with people of the</p> <p>8 LGBT community to engender the same reaction in</p> <p>9 others?</p> <p>10 A. Well, it's not that I sought it</p> <p>11 out, if that's sort of rude to say, excuse me,</p> <p>12 it's that I would street preach and then kind of</p> <p>13 work my way there. And my intent was to spend a</p> <p>14 little time street preaching there and then work</p> <p>15 my way there. Like, it's not like I set out to</p> <p>16 go to that place.</p> <p>17 Q. Which place?</p> <p>18 A. Any place. I've only been to two</p> <p>19 events.</p> <p>20 Q. Pride events?</p> <p>21 A. Yes.</p> <p>22 Q. So one was clearly on June 3,</p> <p>23 2023. Is that fair?</p> <p>24 A. Yes.</p> <p>25 Q. What was the other one?</p>	<p style="text-align: right;">Page 45</p> <p>1 Reading to street preach?</p> <p>2 A. Well, isn't West Reading where</p> <p>3 City Hall is?</p> <p>4 Q. Well, West Reading is a different</p> <p>5 municipality than the City of Reading. Are you</p> <p>6 aware of that?</p> <p>7 A. I mean, I'm a little rough when</p> <p>8 it comes to west, north and east. Like, I just</p> <p>9 know that I was in Reading.</p> <p>10 Q. Okay. I'll try to describe it</p> <p>11 this way. The City of Reading -- and I guess I</p> <p>12 should have clarified this. When you're</p> <p>13 referring to Reading, you're referring to what</p> <p>14 you understand is Reading?</p> <p>15 A. Yes.</p> <p>16 Q. Is that fair?</p> <p>17 A. Yes. Yes.</p> <p>18 Q. The City of Reading, which is one</p> <p>19 of the defendants in this case, has a political</p> <p>20 and geographic boundary and limit. There is</p> <p>21 another town, municipality that is adjacent to</p> <p>22 the City of Reading which is called West Reading.</p> <p>23 It's West Reading Borough. It's a different</p> <p>24 municipality. It has its own police force,</p> <p>25 governing body, things of that nature. Are you</p>

<p style="text-align: right;">Page 46</p> <p>1 familiar with that? Do you know that West 2 Reading exists in that capacity? 3 A. No. Excuse me for my ignorance, 4 but yeah. I just -- I lumped it all within 5 Reading, and now that you said that, I'm aware 6 of, like, Wyomissing and Sinking Springs and that 7 kind of stuff. It might have been in Wyomissing, 8 but I thought I was in Reading before June 3rd at 9 that other event. 10 Q. Okay. So is it fair -- would it 11 be fair to say that you're not quite sure what 12 municipality you were in, but you were in an area 13 that you understood to be Reading which might 14 include Wyomissing and other adjacent areas? 15 A. Yes, sir. 16 Q. Okay. So you're using Reading as 17 kind of a broad area? 18 A. A broad, yeah. 19 Q. Okay. Thank you. 20 A. You're welcome. 21 Q. Have you ever obtained a permit 22 to street preach? 23 A. No, sir. I wasn't aware that I 24 needed one. 25 Q. I'm not asking that. I'm just</p>	<p style="text-align: right;">Page 48</p> <p>1 demon. The only time that I can remember calling 2 anyone a demon was because they were dressed in a 3 demon outfit. 4 Q. Do you recall somebody at the 5 June 3, 2023 Reading pride event -- or do you 6 recall calling somebody or referring to somebody 7 as a demon at the Reading June 3, 2023 pride 8 event? 9 A. If they were dressed in a demon 10 outfit, I remember calling someone that was 11 dressed in a demon outfit. 12 Q. Okay. I'm asking specifically if 13 you remember. You seem to qualify it with the 14 word "if." If you don't remember, that's fine. 15 I'm asking if you remember? 16 A. Yes, sir. 17 Q. You do remember saying that? 18 A. Yes, sir. 19 Q. Do you recall going onto a news 20 broadcast and being interviewed by the Christian 21 News Network. Christian Broadcast News Network? 22 A. Yes, sir. 23 Q. Did you review -- during the 24 course of that interview, did you review some 25 video that was taken by another individual that</p>
<p style="text-align: right;">Page 47</p> <p>1 asking if you have ever obtained one? 2 A. No, sir. 3 Q. Are you aware that there's a 4 process that you can engage in with 5 municipalities to obtain a permit for events, 6 public events? 7 A. No, sir. 8 Q. The pride event on June 3, 2023, 9 were you aware that they had a permit to have 10 their event outside of the Reading City Hall on 11 that day? 12 A. No, sir. 13 Q. Have you ever referred to a 14 person dressed in drag as a demon? 15 A. If I see a demon, then I refer to 16 it, but I've never called someone -- the only 17 time I can recall calling anyone a demon is they 18 were -- they looked like a demon. 19 Q. What does that mean to you? 20 A. They had horns, and they looked 21 like a demon. 22 Q. Horns growing out of their head? 23 A. They're in a costume that has 24 horns on them, but I don't -- I don't refer to 25 someone's attire automatically is that they're a</p>	<p style="text-align: right;">Page 49</p> <p>1 was at the pride event? 2 A. Yes, sir. 3 Q. Was it within that video that you 4 noted a demon? 5 A. Yes, sir. 6 Q. I know we talked about street 7 preaching, evangelizing individually, and you 8 said that you started that way. Have you ever 9 joined a group to street preach and/or 10 evangelize? 11 A. Not a group. Another person. 12 Q. Okay. Who's that other person? 13 A. I call him Brother Jose, and I 14 street preach with him sometimes at Queen City 15 Diner on Lancaster Ave. 16 Q. Is that the only location that 17 you street preach with him? 18 A. Yes, sir. 19 Q. How often do you street preach 20 with Brother Jose? 21 A. Once in a while. It seems like 22 in the springtime it's more every week, but over 23 the winter it's once in a while. 24 Q. It's cold outside? 25 A. Yeah. I mean, I try not to let</p>

<p style="text-align: right;">Page 50</p> <p>1 that be the reason, but yeah. He's older, too. 2 He's an older gentleman. 3 Q. Okay. Do you know Brother Jose's 4 full name? 5 A. No. Just Jose. He never told 6 me. I just know him as Jose. 7 Q. Do you know him as -- do you know 8 if Jose is his real given name? 9 A. I believe so. Yeah. 10 Q. Was Brother Jose present with you 11 at the June 3, 2023 pride event? 12 A. No, sir. 13 Q. There was another man that was 14 there with you, and you had some of his 15 belongings in your backpack. Do you recall that? 16 A. Yes, sir. 17 Q. Who was that? 18 A. I met him street preaching, and I 19 want to say his name is Josh. 20 Q. If you don't know, that's okay. 21 A. Yeah. I don't know. 22 Q. I don't want you to guess. 23 A. Yeah. No. I think for some 24 reason Josh is sticking out to me, but he moved 25 away. I think he's in North Carolina or</p>	<p style="text-align: right;">Page 52</p> <p>1 A. No, sir. 2 Q. Was it your cell phone that you 3 gave him? Cell phone number? 4 A. Yes, sir. 5 Q. Do you have your cell phone here 6 with you? 7 A. Yes, sir. 8 Q. Okay. Is it the same cell phone 9 that you had at the time that you gave Brother 10 Jose -- or that you communicated on a cell phone 11 with Brother Jose? 12 A. Well, Brother Jose wasn't the 13 same guy that was from the June 3rd. 14 Q. Correct. I apologize. 15 A. That's okay. 16 Q. The man from June 3 -- 17 A. Yes. 18 Q. -- that accompanied you and he 19 called you, the cell phone that you have now, is 20 that the same cell phone that he called you on? 21 A. Yes, sir. 22 Q. What's your cell phone number? 23 A. 484-769-0421. 24 Q. Do you enter anybody's name into 25 your cell phone contacts?</p>
<p style="text-align: right;">Page 51</p> <p>1 somewhere right now, but I only met him once or 2 twice, and he stayed at my house because he was 3 homeless, so I said, do you want to come with me 4 to street preach, and he said yeah. 5 Q. How did you meet him? 6 A. I met him street preaching. 7 Q. Was he street preaching and then 8 you were street preaching, and you kind of ran 9 into each other? 10 A. He came up and wanted to keep me 11 company, he said, and then he wanted -- because I 12 was out there by myself, and he said he wanted to 13 stand with me. And he sung, like, a gospel song. 14 Then I gave him my number and said if you ever 15 need anything, give me a call. And then him and 16 his girlfriend were having trouble, and he needed 17 to stay with me for a few days. 18 Q. Did he ever call you? 19 A. After I gave him my number? 20 Q. Yes. 21 A. Yeah. When him and his 22 girlfriend were having trouble, he called and 23 stayed with me. 24 Q. Did you save his number in your 25 phone?</p>	<p style="text-align: right;">Page 53</p> <p>1 A. When I save it? 2 Q. Yes. 3 A. Yeah. Like, I have names in my 4 contacts. His name, I think I had it for a while 5 and then he moved away, and I kind of 6 just -- sometimes I'll just go through and clear 7 my contacts and then kind of start over. 8 Q. Any reason for that? 9 A. I just -- I don't know. 10 Sometimes I feel like if I'm meant to be speaking 11 to this person, they'll come back to me. 12 Q. Do you know Matthew Wear? 13 A. I'm aware of him. Yes, sir. 14 Q. Do you have his phone number? 15 A. He sent me the video when I got 16 out of jail, and I had his number for a few 17 weeks, I want to say, but then I erased it. 18 Q. Why don't you pull up your phone 19 and look for his number? 20 A. All right. 21 (A short break was taken.) 22 BY MR. CONLEY: 23 Q. With either Brother Jose or the 24 man who may be Josh that you met and you attended 25 the June 3, 2023 event with, did you ever plan</p>

<p style="text-align: right;">Page 54</p> <p>1 with either of them attending specific events to 2 street preach? 3 A. Brother Jose, I planned an event, 4 but he couldn't make it. I didn't end up going 5 to that event anyway, but Josh, I'm not even sure 6 if that's his name. Excuse me. I just -- he 7 called me that morning and wanted to stay at my 8 house, so I said, I'm going here. Do you want to 9 come with me? 10 Q. You're referring to June 3, 2023? 11 A. Yes. 12 Q. Okay. I'm going to stop saying 13 June 3, 2023, and I'm going to call it the 14 Reading pride rally. Is that fair to you? 15 A. Yes, sir. 16 Q. Okay. I'm going to go to that 17 event, the Reading pride rally. 18 A. And there was -- I planned it 19 with the guy from the Lancaster Patriot who I 20 don't remember his name. I went to the Lititz 21 pride festival with him. That I planned with 22 him. 23 Q. Is his name Dan? Does that ring 24 a bell? 25 A. I'm not sure. I haven't talked</p>	<p style="text-align: right;">Page 56</p> <p>1 Q. Did you end up going to that 2 Lititz event? 3 A. Yes, sir. 4 Q. And did the gentleman from the 5 Patriot come with you? 6 A. Yes, sir. 7 Q. Did he write an article about 8 that? 9 A. I don't really follow the 10 Lancaster Patriot, so I'm not sure. 11 Q. All right. He didn't tell you 12 that he wrote an article? 13 A. No, sir. 14 Q. How are you doing? Do you need a 15 break? 16 A. No. 17 Q. Did you have any plans on June 3, 18 2023 other than attending the Reading pride 19 event? 20 A. Yes, sir. 21 Q. What were your other plans? 22 A. Street preaching. 23 Q. Where were you going to go? 24 A. I was going to go to start there, 25 and I actually evangelized to someone on my way</p>
<p style="text-align: right;">Page 55</p> <p>1 to him in a while. 2 Q. And he was with the Lancaster? 3 A. Patriot. Yes. Yes, sir. I 4 think I referred to his name in the video. 5 Q. I believe you did as well. I'll 6 get to that. I'm going to show you that video 7 later. I just don't want to jump around with you 8 too much. 9 Was that Lititz event that you 10 planned with this gentleman from the Lancaster 11 Patriot, was that before or after the Reading 12 pride event? 13 A. It was after. 14 Q. Do you know when it was? 15 A. No, sir. 16 Q. Was it within a month, within a 17 week, if you can estimate? 18 A. I feel like it was a month after, 19 but it was a pride month thing, so I'm assuming, 20 you know, right about a month. 21 Q. Okay. So you're estimating. You 22 don't know specifically? 23 A. No. No, sir. 24 Q. Was it at least in the same year? 25 A. Yes, sir.</p>	<p style="text-align: right;">Page 57</p> <p>1 there and then from there I was going to go to my 2 normal 5th and Penn Street. 3 Q. Okay. So your plan was to go to 4 the Reading pride event and then from there go to 5 the 5th Street location and kind of do your 6 rounds, like, up the street? 7 A. Yep. 8 Q. Okay. And then on the way to the 9 pride event, you met some other individual? 10 A. Yes. 11 Q. And that was kind of off the 12 cuff? 13 A. He was just sitting there, a 14 homeless man. I told him about Lord Jesus, and 15 he ended up -- we were talking about sin, and he 16 ended up throwing his lighter and saying he 17 didn't want to do this no more, and that kind of 18 made me smile. I gave him something to eat and 19 something to drink, and I told him if he needs 20 anything and he ever sees me, to let me know. 21 Q. Did you give him your number or 22 anything? 23 A. I'm not sure. I thought I said 24 I'm around here if you ever see me because I see 25 the same people, you know, if you stay in the</p>

<p style="text-align: right;">Page 58</p> <p>1 same spot, and I told him if he ever sees me and 2 he needs anything, please let me know. 3 Q. Okay. When he threw away your 4 lighter -- 5 A. His lighter. 6 Q. His lighter, did you interpret 7 that to mean anything to you? 8 A. It just made me smile, you know, 9 'cause I don't know if he knew about who Jesus 10 was, but after we were having a good 11 conversation, and he was just like, I'm tired of 12 sinning and just threw his lighter. And I was, 13 like, well, sir, you don't want to litter, you 14 know, but I'm appreciating what you're doing, but 15 he just -- I saw the passion in someone grow, and 16 that to me is just -- you know, I didn't expect 17 that. It kind of threw me off. 18 Q. Sure. And I think I can 19 interpret what you're trying to say or what 20 you're saying, but why is throwing away the 21 lighter significant? Why does that mean he 22 doesn't want to do something anymore? 23 A. Well, because he's getting rid of 24 it. He's taking the first step. Most people dig 25 their heels in and say I'm not doing anything,</p>	<p style="text-align: right;">Page 60</p> <p>1 pushy. So I was just letting him know of sin in 2 general, but I wasn't like, what are your sins, 3 you know, like trying to do that. 4 Q. If somebody uses drugs, would you 5 consider that -- illegal drugs, would you 6 consider that a sin? 7 A. Well, the Bible says that no 8 drunkard will inherit the Kingdom. So if it's 9 making you intoxicated, I would like to talk to 10 you about it. 11 Q. All right. So marijuana use, is 12 that a sin? 13 A. I would like to talk to you about 14 it. 15 Q. Well, that's not my question. Do 16 you consider it a sin? 17 A. Yes, sir. 18 Q. Okay. Other illegal drug use, 19 would you consider that a sin? 20 A. Yes, sir. 21 Q. And if somebody stopped sinning, 22 would you forgive them? 23 A. Well, I forgive them even in 24 their sin. That doesn't stop me. It just makes 25 me want to talk to you because we're all sinners.</p>
<p style="text-align: right;">Page 59</p> <p>1 but for him to throw his lighter told me that at 2 least he wants to do something about it. 3 Q. Was there something sinful about 4 a lighter? 5 A. Well, it's what he was using the 6 lighter for. 7 Q. Okay. 8 A. That's what -- I don't know, but 9 whatever he was telling me was not good. 10 Q. So he didn't tell you 11 specifically what he was using it for? 12 A. No. He just said I'm tired of 13 sinning, and he threw his lighter, and that's 14 when I was like, well, sir, you might not want to 15 litter, but, you know, whatever is going on, I 16 can see that at least you're willing to talk 17 about it. 18 Q. Did you believe it might have 19 been drugs or smoking cigarettes, something like 20 that? 21 A. I thought it was a mixture. I 22 didn't really, you know, get into that because 23 like I said earlier, I don't really -- I just 24 like to talk about sin in general, not a specific 25 person's sin because then I feel like that gets</p>	<p style="text-align: right;">Page 61</p> <p>1 I struggle with sin every day. My body wants to 2 do something that's contrary to what God wants me 3 to do. 4 Q. You've sued the City of Reading, 5 Sergeant McClure, Chief Tornielli, Courtney 6 Dupree and Mayor Eddie Moran. If you believe 7 that they had sinned, would you forgive them? 8 A. Yes, sir. 9 Q. If any of them made a mistake 10 that you would consider a mistake, would you 11 forgive them that mistake? 12 A. Yes, sir. 13 Q. So when you left that morning, I 14 assume it was the morning. You left in the 15 morning on June 3, correct? 16 A. Yes, sir. 17 Q. When you left that morning and 18 you started on your day's events, did you tell 19 somebody that your goal was to spark a 20 confrontation at the pride event? 21 A. No, sir. 22 Q. If somebody had said that, would 23 they be incorrect? 24 A. Yes, sir. 25 Q. Did you first go to West Reading?</p>

<p style="text-align: right;">Page 62</p> <p>1 I know you might not understand where 2 specifically that is. Did you go to another 3 municipality before going to the pride event to 4 protest or street preach? 5 A. Yes, sir. 6 Q. Where did you go? 7 A. At the flag raising prior to June 8 3rd? 9 Q. No. I mean, on June 3rd 10 specifically? 11 A. No. I went straight to that 12 building. 13 Q. Okay. From your current address 14 on 4th Street in Reading? 15 A. Yes, sir. 16 Q. How did you hear about the flag 17 raising ceremony on June 3, 2023? 18 A. Online. 19 Q. Did you stumble across it or were 20 you looking for it? 21 A. I looked it up. 22 Q. Why did you look it up? 23 A. Because I wanted to let people 24 know that they can be born again. 25 Q. Have you looked up other pride</p>	<p style="text-align: right;">Page 64</p> <p>1 Reading pride month that would give you the 2 impulse to look that up? 3 A. No. The young man gave me the 4 impulse to look it up. 5 Q. Which young man is that? 6 A. Remember the young man I was 7 talking to when I saw his face change, that's 8 who -- I didn't even -- I wasn't even aware of it 9 until I spoke with him. That made me want to go 10 tell other people. 11 Q. Were you aware that other people 12 would be attending the Reading pride event to 13 protest it? 14 A. No, sir. 15 Q. When you arrived at the Reading 16 pride event, can you tell me what you saw? 17 A. I saw an officer. 18 Q. Okay. I'm asking -- 19 A. That's basically -- it's like it 20 almost went foggy. I didn't even see the 21 gentlemen that were on the sidewalk. As soon as 22 I came up, the only thing I saw was this 23 gentleman in front of me. I wasn't aware that I 24 was being recorded. I wasn't aware that there 25 were other people standing there.</p>
<p style="text-align: right;">Page 63</p> <p>1 events? 2 A. Just the two. 3 Q. The two that you -- 4 A. That I attended. Yep. 5 Q. So that one and the other one 6 that we're not quite sure about the date? 7 A. Uh-huh. 8 Q. I guess also the Lititz one? 9 A. I didn't look that up. When I 10 got -- when the Lancaster Patriot interviewed me, 11 I started talking to the owner of that, and he 12 said, we're going to this event. Would you like 13 to come with us? And I said yes. 14 Q. Understood. So aside from the 15 one prior to the Reading pride event and the 16 Lititz event, did you attend any other pride 17 events in 2023? 18 A. No, sir. 19 Q. So it would be a total of three, 20 two of which you looked up? 21 A. Yes, sir. 22 Q. What did you -- what search terms 23 did you use to look it up? 24 A. Reading pride month, I believe. 25 Q. Had you heard that there was a</p>	<p style="text-align: right;">Page 65</p> <p>1 Q. Go ahead. I'm sorry. 2 A. The only thing I saw, it was 3 almost like it was like that. I just saw this 4 officer coming up to me as soon as I got there. 5 Q. And when you say "like that," 6 you're taking your hands, and you're kind of 7 placing them by the side of your head and moving 8 them forward? 9 A. Yes. Yeah. 10 Q. Are you trying to describe tunnel 11 vision? 12 A. Like, that's what it seemed like. 13 I didn't -- I didn't see anything else but that 14 officer. Yeah. 15 Q. Before you saw the officer, did 16 you happen to see the people that were 17 celebrating the pride event? 18 A. I mean, I think I remember seeing 19 the one guy with the sign step out, but even 20 then, I was nervous walking up to that. I even 21 told that gentleman I was with that I just -- I 22 felt really nervous, almost like I had to shake 23 my hands. 24 Q. Why would you feel nervous 25 walking up --</p>

<p style="text-align: right;">Page 66</p> <p>1 A. I don't know because -- I don't 2 know. That never happened to me before. 3 Q. Okay. Wait for my question. 4 A. I'm sorry. 5 Q. Why would you feel nervous 6 walking up to a pride event that you intend to 7 street preach at? 8 A. I don't know. I never felt that 9 way before. I didn't feel that way when I went 10 to the flag raising event. I just -- I felt like 11 I needed to shake my arms and then when I walked 12 up, all I saw was the officer. 13 Q. What did you have with you on 14 that day when you arrived at the pride event? 15 A. I had my bag. I had a sign. I 16 had a Bible. I had gospel tracts. I had my 17 phone. I don't remember if I had my wallet with 18 my license and Social Security card in it. I had 19 snacks and drinks in case anyone is hungry or 20 thirsty, and in that bag I had the guy, the 21 gentleman I was with, his belongings, too. 22 Q. Why were his belongings in your 23 bag? 24 A. Because he had a few phones, 25 which I wasn't sure why, and he had -- because</p>	<p style="text-align: right;">Page 68</p> <p>1 A. Yes. Because before that it 2 never crossed my mind. 3 Q. I'm sorry. Go ahead. 4 A. I would even say I had a problem 5 with lying. 6 Q. These episodes or these events, 7 these times when you have memory lapses, how 8 often do these occur? 9 A. Well, I feel like the longer time 10 goes by, the more it happens. Like, if it's 11 within a couple days or that, then I'm okay with 12 it, but it seems like it's up and down. It's hit 13 or miss. Sometimes I can remember things that 14 happened to me when I was six years old. Other 15 times I can't remember a guy's name I was just 16 standing next to. 17 Q. And it's worse now than before 18 the accident? 19 A. I didn't notice it before, my 20 memory. I thought it was pretty strong. Like, I 21 could remember songs word for word, sports, teams 22 names, numbers, and after that happened, I 23 noticed it wasn't the same. I couldn't remember 24 music like I used to. I don't listen to music 25 anymore, but when I did, and it just seems like</p>
<p style="text-align: right;">Page 67</p> <p>1 him and his girlfriend were splitting up, so he 2 was coming to my house after we got done street 3 preaching. So I said, do you want to put your 4 stuff in my bag? And he said, yeah. 5 Q. You let him stay at your house, 6 but you didn't know his name? 7 A. I knew his name at the time. 8 Q. But you forget it now? 9 A. Yeah. Now. And I noticed after 10 I broke my neck and I had a concussion, sometimes 11 my memory is -- like, it's spotty, it seems like, 12 because I was diagnosed with a concussion. And 13 after that accident I noticed that sometimes my 14 memory, I just draw, like, a blank. And I'm 15 severely scared of not telling the truth, so that 16 prevents me from just saying whatever. So when 17 we were together, I knew his name. 18 Q. Why are you severely afraid of 19 not telling the truth? 20 A. I don't know. Since I started 21 reading the Bible, I just don't want to misspeak. 22 I don't want to say something that isn't the 23 truth because I'm going to have to answer for it. 24 Q. So that's something that 25 developed after the injury?</p>	<p style="text-align: right;">Page 69</p> <p>1 it's spotty. Sometimes I can remember, and 2 sometimes I can't. And the doctor said that 3 could be because you've had a concussion. 4 Q. That was my next question. When 5 did you see a doctor about the memory issues? 6 A. During the whole neck thing. I 7 went to physical therapy. They evaluated me. 8 They found that I have an aortic valve issue, and 9 he said, you know, if you had a concussion, this 10 could be, you know, a direct cause of it. 11 Q. The aortic valve? 12 A. No. The memory. 13 Q. Do you remember the name of that 14 doctor that told you that? 15 A. No, sir. 16 Q. Does the memory issue affect your 17 recollection of the events on June 3, 2023? 18 A. No. No, sir. Mainly because 19 there's a video. 20 Q. Does the video help refresh your 21 recollection? And let me explain that. Did it 22 help you fill in gaps in your memory by viewing 23 the video? 24 A. Well, yeah. Like, for example, I 25 don't remember exactly what I said to the</p>

<p style="text-align: right;">Page 70</p> <p>1 officer, but through the video I can kind of tell 2 a little of it, but outside of other things in 3 the video, it's foggy to me. 4 Q. Would you agree with me that it's 5 hard to tell exactly what you said on the video 6 of the event? 7 A. Yes, sir. 8 Q. When you arrived at the Reading 9 pride event, you stood on one side of the street. 10 Do you recall that? 11 A. Yes, sir. 12 Q. Did you choose that side of the 13 street for a reason? 14 A. It's the side I was walking on. 15 Q. Okay. It just happened to be the 16 side that you were walking on? 17 A. Yes. 18 Q. Did you know that when you 19 arrived that you stood next to other individuals 20 that were there to protest the Reading pride 21 event? 22 A. Protest, I don't. Preach maybe 23 is how I feel because I wasn't there to protest, 24 and I hope that they weren't there to protest 25 either, but I was aware that there were people on</p>	<p style="text-align: right;">Page 72</p> <p>1 A. No, sir. 2 Q. All right. So your 3 understanding -- correct me if I'm wrong. I may 4 be wrong, but your understanding that those other 5 people were there to preach, was that based upon 6 information that you learned after the incident? 7 A. Well, yeah. At the time I wasn't 8 really sure. I didn't know why. Obviously, if I 9 see someone with a sign step out and face me, 10 he's probably there to preach, but my -- what I 11 was thinking is I was going to get to figure out 12 what they're doing, but I didn't know any of 13 them. I didn't know they were going to be there. 14 So I would have found out if they weren't there 15 to preach as soon as I started, they would have 16 probably let me know that they're not there to do 17 that. 18 Q. Do you recognize the gentleman to 19 my left here? 20 A. Yes, sir. 21 Q. Okay. Do you know who that is? 22 A. Officer McClure, I think his name 23 is. 24 Q. Sergeant McClure? 25 A. Yeah. Sergeant.</p>
<p style="text-align: right;">Page 71</p> <p>1 the sidewalk. 2 Q. Okay. 3 A. But like I said, it kind of went 4 from -- to this. 5 Q. And we'll get to that. I want to 6 ask you if you spoke to any of those individuals 7 that were there, in your words, to preach, did 8 you speak to any of those people? 9 A. No, sir. 10 Q. How did you know that they were 11 there to preach then? 12 A. Well, I didn't. 13 Q. Did you assume? 14 A. No. I just -- I walked up. I 15 was going to get to that eventually, I thought, 16 but I just thought they were together because I 17 saw the one guy step with his sign and face me. 18 So I just assumed that they were there to preach, 19 but I didn't have any contact with them because 20 you can see in the video he approached me as soon 21 as I... 22 Q. So you mentioned a guy with a 23 sign. Did you get a chance to read the sign? 24 A. No, sir. 25 Q. Not at the time?</p>	<p style="text-align: right;">Page 73</p> <p>1 Q. I'm just asking if you recognize 2 him visually from looking at him? 3 A. Yes. 4 Q. Is that the individual that you 5 said approached you? 6 A. Yes, sir. 7 Q. Okay. Before he approached you, 8 did you say anything? 9 A. No, sir. 10 Q. You didn't say anything? 11 A. No, sir. 12 Q. You didn't yell anything across 13 the street? 14 A. No, sir. 15 Q. Totally mute. No words 16 whatsoever? 17 A. Well, it happened so quick. When 18 I walked up, me and him started talking, so I 19 didn't say anything before he approached me. As 20 soon as I got to the edge of that street, we 21 started talking. That's when we started going 22 back and forth. 23 Q. Tell me about your recollection 24 of that conversation with Sergeant McClure. 25 A. I just -- I remember feeling,</p>

<p style="text-align: right;">Page 74</p> <p>1 like, aggression. Like, it was aggressive 2 towards me. Either someone before me was 3 ignorant or aggressive, but I just showed up 4 there. So it just, like, went -- like, zoomed 5 in, and I just remember him -- I thought he said 6 that he didn't care about my beliefs or why I was 7 there. 8 So in the video I can see when I 9 say, sir, you don't have to say you don't care. 10 And then I remember him saying respect them, and 11 that's when I said, oh, I'm respecting them. Oh, 12 no. After I said you don't have to say you don't 13 care, I said, you know who cares? God cares. 14 That's when -- and then that's 15 when he said, respect them. And I said, oh, I'm 16 respecting them. And then we had a 17 back-and-forth and then I said yo across the 18 street to someone that was pointing at me and 19 pointing to their sign and then I said God is 20 not, and I was met with him. 21 Q. When you say you were met with 22 him -- 23 A. Well, he came up to me. 24 Q. Is that when he placed you under 25 arrest?</p>	<p style="text-align: right;">Page 76</p> <p>1 A. No. 2 Q. Okay. You said that you felt 3 like somebody before you may have been 4 aggressive. Did you get that impression at the 5 time that you were there? 6 A. No. 7 MR. READY: Object to form. I 8 don't think that's a characterization of 9 what he said. 10 Q. I may be wrong in exactly what 11 you said, but you said something about somebody 12 before you had felt a certain way. Do you recall 13 that? 14 A. No. I said that he was -- I felt 15 aggression from the officer, so I'm not sure what 16 took place before I got there, but when I -- when 17 he approached me, I felt aggressive -- 18 aggression. 19 Q. You felt aggression? 20 A. Yeah. Like, it wasn't welcoming. 21 Like, come on, let's talk this out. You know, 22 you're not -- you can't do this, this and this 23 today. It just seemed like it was aggressive as 24 soon as I started talking to him. 25 Q. What did you mean then by saying</p>
<p style="text-align: right;">Page 75</p> <p>1 A. Yes, sir. 2 Q. Did Sergeant McClure give you any 3 instructions or directions in your conversation 4 with him prior to him placing you in physical 5 custody? 6 A. No, sir. If he did, I just 7 remember I felt like I had a right to be there 8 and that I had a right to stand on that street 9 and preach, but he didn't tell me -- he didn't 10 give me any orders that I'm aware of. 11 Q. You don't remember any 12 instructions or orders? 13 A. I don't remember him giving me 14 orders to do anything. 15 Q. Did he give you any orders not to 16 do anything? 17 A. No, sir. Well, now that -- I 18 think I remember him saying, you know, let them 19 have their day, but I'm not sure if that's an 20 order or, like, a command. 21 Q. So you remember him saying 22 something about let them have their day? 23 A. Yeah. 24 Q. Do you remember anything else 25 that he might have said?</p>	<p style="text-align: right;">Page 77</p> <p>1 that somebody before you might have done 2 something? 3 A. Well, because after I watched the 4 video, that's when I heard Matt say that he 5 encountered him. So I felt like maybe that was 6 the reason after looking back on it, but at the 7 time I had no clue what was going on. 8 Q. And that's what I'm trying to get 9 at. 10 A. Yeah. 11 Q. At the time you didn't have any 12 inkling that there might have been some prior -- 13 A. No. 14 Q. Again, just wait. You didn't 15 have any inkling that there might have been 16 something that happened before you arrived? 17 A. No, sir. 18 Q. Okay. And then subsequently you 19 viewed the video? 20 A. Yes, sir. 21 Q. And you viewed a video -- which 22 video was it that you viewed? 23 A. It was the video posted to 24 YouTube. 25 Q. The one posted by Matthew Wear?</p>

<p style="text-align: right;">Page 78</p> <p>1 A. Yes. And he sent me a video of 2 it, too. 3 Q. How did he send you a video? 4 A. By my phone number. 5 Q. Did he text it to you? 6 A. Yes. He texted, and I didn't 7 even know he had my number. 8 Q. Well, according to Matt Wear, and 9 that's who we referred to as Brother Matt. 10 That's the same person? 11 A. Yes. 12 Q. And do you also understand that 13 his YouTube page is Barely Preacher Man? 14 A. Yes, sir. 15 Q. All the same person? 16 A. Yes, sir. 17 Q. All right. According to him, he 18 met you a year prior to the event or 19 approximately a year prior to the event. Does 20 that sound about right? 21 A. Yes, sir. 22 Q. What are the circumstances of 23 your -- how you met Matt Wear? 24 A. I was preaching, street 25 preaching, and this guy comes out of nowhere and</p>	<p style="text-align: right;">Page 80</p> <p>1 Q. Okay. 2 A. But I saw him after that. He 3 met -- he came to where me and Jose was at after 4 that happened and made a little video, I think, 5 for his YouTube channel. 6 Q. What do you mean? 7 A. After June 3rd he came to Queen 8 City where me and Brother Jose was and got out 9 and preached for a little bit, but I didn't 10 invite him or did I talk to him about it. He 11 just showed up. 12 Q. Okay. Other than the cell 13 phone -- or the YouTube video that was posted by 14 Matt Wear on June 3, 2023 that showed the Reading 15 pride event, have you seen any other YouTube 16 videos of Matt Wear? 17 A. Well, after that I watched a few 18 on his channel, so yes, sir. 19 Q. Did you see another video where 20 he talked about your event -- or the event on 21 June 3, 2023? 22 A. Yes, sir. 23 Q. Was that the one where he was 24 kind of standing against a brick wall, and it 25 started to get darker?</p>
<p style="text-align: right;">Page 79</p> <p>1 says, do you mind if I get on the mic and preach 2 for a couple minutes, and that's my first time 3 ever meeting him, and I said, yeah. Sure. 4 And then when he left, I said, 5 well, take down my number, and if me and you ever 6 want to get together and street preach together, 7 then call me, but I never heard from him nor 8 contacted him myself because I didn't have his 9 number. I gave him my number. The first time 10 I'm aware of him using my number was to use it to 11 send the video he took which I was unaware of 12 that he took at the time. 13 Q. Okay. When you showed up, you 14 didn't see Matt Wear? 15 A. No, sir. 16 Q. And between the time that you had 17 met him and he asked to use your mic and the 18 Reading pride event in June 2023, did you see him 19 at any other events? 20 A. Not that I recall. No. I think 21 I would have remembered, but no. I didn't see 22 him. I didn't even know it was him that was 23 standing there because it was a year before the 24 last time I saw him, so I don't really remember. 25 Yeah.</p>	<p style="text-align: right;">Page 81</p> <p>1 A. Yes, sir. 2 Q. Were you present with Matt Wear 3 when he made that video? 4 A. No, sir. 5 Q. According to Matt Wear in that 6 video that I was referencing where the sun goes 7 down, he's against a brick wall, Matt Wear 8 indicated that you knew that the pride event was 9 happening and came out purposefully. You used 10 the word "purposefully." 11 A. Well, like I said, I looked it 12 up, so I knew of it, but my purpose was to street 13 preach. And like I told you, I was going to make 14 my -- you know, do my walk up and down the 15 street. I was starting there first, but I looked 16 it up because of the young gentleman I had an 17 encounter with who encouraged me to look it up. 18 Q. You had mentioned a microphone 19 and an amplifier or something of that nature? 20 A. Yeah. 21 Q. What's the purpose of that? Do 22 you speak into the microphone and the amplifier 23 raises the volume of your voice? 24 A. Yeah. Like, I have a pretty loud 25 voice to begin with, so -- and to go back a</p>

<p style="text-align: right;">Page 82</p> <p>1 little earlier, I did -- a police officer told me 2 I couldn't use my amplification on 5th and Penn 3 one time, and I turned it off, so I wasn't sure 4 if I misspoke on a question that you asked me. I 5 thought maybe you asked me if I've ever had an 6 encounter with them again, but yeah. 7 So I was on -- it goes around my 8 ears, and it comes -- you know, it's, like, right 9 here, and it just projects my voice. One time in 10 Reading, a Reading police officer said you can't 11 use amplification here. I took it off. And the 12 guy across the street said, I hear you louder and 13 clearer than you did when you were wearing it. 14 So I just have, like, you know, a loud voice, but 15 the purpose is to try to reach people. 16 Q. Do you know that you raised a 17 claim against Sergeant McClure for assault and 18 battery? 19 A. No, sir. 20 Q. You're not aware of that? 21 A. No, sir. 22 Q. Do you think he assaulted you? 23 MR. READY: I'm going to object 24 to the form. Just calling for a legal 25 conclusion. You can answer.</p>	<p style="text-align: right;">Page 84</p> <p>1 What exactly happened? 2 A. Did you see the video? 3 Q. I'm asking you to describe how he 4 threw you around? 5 A. When I said God again, he spun me 6 around and pushed me up against the wall. 7 Q. Did it hurt when he pushed you up 8 against the wall? 9 A. No, sir. 10 Q. He didn't do it with excessive 11 force? 12 A. No, sir. 13 Q. Were you injured as a result of 14 that? 15 A. No, sir. 16 Q. Were your wrists injured as a 17 result of the handcuffs? 18 A. No, sir. 19 Q. Did you tell anybody that the 20 handcuffs were too tight? 21 A. Yes, sir. 22 Q. Did they loosen them? 23 A. No, sir. 24 Q. Nobody loosened them? 25 A. At the prison they did. At the</p>
<p style="text-align: right;">Page 83</p> <p>1 A. No, sir. 2 Q. Same question, probably -- 3 A. I feel like he assaulted my 4 rights. 5 Q. I'm talking about physically? 6 A. Yeah. Physically, yes, sir. 7 Q. You think he physically assaulted 8 you? 9 A. Yes, sir. 10 Q. How so? 11 A. Just his approach. 12 Q. What does that mean? 13 A. The way he threw me around and 14 the way he put the cuffs on extremely tight. The 15 way he threw my bag on the ground. 16 Q. Do you think he assaulted you by 17 throwing your bag on the ground? 18 A. Well, I feel like he was 19 aggressive. 20 Q. Did he strike you? 21 A. No, sir. 22 Q. And you claim that he was 23 throwing you around? 24 A. He threw me around. 25 Q. How did he throw you around?</p>	<p style="text-align: right;">Page 85</p> <p>1 jail they did. 2 Q. A female officer didn't loosen 3 the handcuffs when you were sitting on the curb? 4 A. I don't recall. 5 Q. Okay. After you were placed in 6 handcuffs, you were -- is it true that you were 7 led kind of around the corner of City Hall? 8 A. Yes, sir. 9 Q. And you were sat down? 10 A. Yes, sir. 11 Q. And at that point the officers 12 questioned you, and they went through your bag? 13 A. Yes, sir. 14 Q. Okay. Do you remember speaking 15 to Officer Courtney Dupree? 16 A. Yes, sir. 17 Q. Do you remember admitting to 18 you -- or do you remember admitting to her that 19 you were lifting your voice at the Reading pride 20 event? 21 A. No, sir. 22 Q. You didn't say that? 23 A. I don't recall. 24 Q. Do you recall saying that you 25 weren't yelling at people?</p>

<p style="text-align: right;">Page 86</p> <p>1 A. Yes, sir.</p> <p>2 Q. I'm trying to understand what</p> <p>3 that means, not yelling at people. Were you</p> <p>4 yelling?</p> <p>5 A. No, sir.</p> <p>6 Q. You don't believe you were</p> <p>7 yelling?</p> <p>8 A. I wasn't yelling.</p> <p>9 Q. And you mentioned earlier that</p> <p>10 you have a loud voice and how one gentleman heard</p> <p>11 you even better without the amplification system.</p> <p>12 Is it your belief that you have just a loud</p> <p>13 voice?</p> <p>14 A. I have a loud speaking voice.</p> <p>15 Yeah. I feel like my voice is loud even now.</p> <p>16 Q. I don't think it's loud even now,</p> <p>17 but what I think doesn't matter.</p> <p>18 A. But I notice there's a level</p> <p>19 between yelling and me speaking normally, and I</p> <p>20 don't feel like I was at that yelling level.</p> <p>21 Q. When you were at the pride event?</p> <p>22 A. Pride event, yes, sir.</p> <p>23 Q. So you were saying something?</p> <p>24 A. Yes, sir.</p> <p>25 Q. Approximately how long were you</p>	<p style="text-align: right;">Page 88</p> <p>1 Q. Did you get some?</p> <p>2 A. I didn't eat. No.</p> <p>3 Q. Did you refuse it or --</p> <p>4 A. No. I just didn't want it.</p> <p>5 Q. What did you do that day after</p> <p>6 you were released?</p> <p>7 A. I went home.</p> <p>8 Q. Was all your property returned to</p> <p>9 you?</p> <p>10 A. It was given to the guy I was</p> <p>11 with.</p> <p>12 Q. It was?</p> <p>13 A. Yes, sir.</p> <p>14 Q. Did he give it back to you?</p> <p>15 A. Yes, sir.</p> <p>16 Q. Was any of your property missing?</p> <p>17 A. No, sir.</p> <p>18 Q. On what charges were you brought</p> <p>19 in to the police station?</p> <p>20 A. Disorderly conduct with engaging</p> <p>21 fighting, I believe it was.</p> <p>22 Q. Do you understand what that</p> <p>23 means? Do you know what that means?</p> <p>24 A. Disorderly conduct I kind of</p> <p>25 understand. Engage in fighting, I thought it was</p>
<p style="text-align: right;">Page 87</p> <p>1 detained on the street before -- let me go back.</p> <p>2 After you were handcuffed and you</p> <p>3 were taken around the corner, you were sat down,</p> <p>4 did eventually vehicle transport arrive?</p> <p>5 A. Yes, sir.</p> <p>6 Q. And you were transported</p> <p>7 somewhere?</p> <p>8 A. Yes, sir.</p> <p>9 Q. Where did you go?</p> <p>10 A. I'm not sure. It went in, like,</p> <p>11 a tunnel.</p> <p>12 Q. Did you go to get processed?</p> <p>13 A. Yes, sir.</p> <p>14 Q. All right. How long -- were you</p> <p>15 eventually released?</p> <p>16 A. Yes, sir.</p> <p>17 Q. And how long did it take for you</p> <p>18 to be released?</p> <p>19 A. A couple hours. It wasn't long.</p> <p>20 They served lunch while I was there, so I want to</p> <p>21 say a couple hours.</p> <p>22 Q. Were you in a cell?</p> <p>23 A. Yes, sir.</p> <p>24 Q. And did they serve you lunch?</p> <p>25 A. Just lunch and dinner.</p>	<p style="text-align: right;">Page 89</p> <p>1 because it might look like I was trying to swing</p> <p>2 my elbow at him, but he actually stepped on my</p> <p>3 foot which caused me to, like, stumble, and I was</p> <p>4 in no way trying to resist.</p> <p>5 Q. Do you think he intentionally</p> <p>6 stepped on your foot?</p> <p>7 A. No, sir.</p> <p>8 Q. He was just -- your feet got</p> <p>9 tangled?</p> <p>10 A. Tangled up together.</p> <p>11 Q. When you said you were being</p> <p>12 thrown around, might you misinterpret that</p> <p>13 tangling of the feet as him throwing you around?</p> <p>14 A. Well, no. He threw me around.</p> <p>15 Q. Aside from your feet getting</p> <p>16 tangled, he threw you around?</p> <p>17 A. Yes, sir.</p> <p>18 Q. Bear with me a second.</p> <p>19 A. Take your time.</p> <p>20 Q. Mr. Atkins, I'm going to show you</p> <p>21 a document that was actually produced by your</p> <p>22 counsel in discovery, so a copy of what's been</p> <p>23 marked as Atkins 1-3.</p> <p>24 MR. CONLEY: I'll just have this</p> <p>25 marked as Atkins-2.</p>

<p style="text-align: right;">Page 90</p> <p>1 (A document was marked for 2 identification as Atkins Exhibit No. 2.) 3 BY MR. CONLEY: 4 Q. On this document that I have 5 marked as Atkins-2, do you recognize this 6 document? 7 A. Yes, sir. 8 Q. Can you tell me what it is? 9 A. It's the police report. 10 Q. Well, it says police criminal 11 complaint up here. 12 A. Okay. 13 Q. Does that change your 14 recollection of what it is? 15 A. No. I thought they handed me 16 this when I left the station. 17 Q. All right. I'll ask you that. 18 So you received this document when you left the 19 police station? 20 A. Yes, sir. 21 Q. Okay. Did you receive anything 22 else from the police department or in the mail 23 about this incident? 24 A. Yes, sir. 25 Q. What did you receive?</p>	<p style="text-align: right;">Page 92</p> <p>1 tumultuous behavior. The defendant, despite 2 being warned by police just moments prior, yelled 3 derogatory comments at an organization that was 4 holding a permitted event in violation of Section 5 5503(A)(1) of the PA Crimes Code. 6 Q. Thank you. I'm going to direct 7 your attention to where it says on the second 8 line there "or recklessly creating a risk 9 thereof, he engages in." Do you see that 10 portion? 11 A. Yes. 12 Q. Do you see where it says "engages 13 in fighting or threatening or in violent or 14 tumultuous behavior"? 15 A. Yes, sir. 16 Q. So when you testified earlier 17 that you had been engaging in fighting -- 18 MR. READY: Object to form. 19 Q. -- does this change your 20 understanding of what you might have been charged 21 for? 22 A. No. No, sir. 23 Q. Is it possible that you might 24 have been charged for not engaging in fighting 25 but engaging in threatening or in violent or</p>
<p style="text-align: right;">Page 91</p> <p>1 A. Them saying that the charges have 2 been dropped. 3 Q. Okay. Was that in the form of a 4 letter? 5 A. Yes, sir. 6 Q. On this police criminal 7 complaint, Atkins-2, I'm actually going to ask 8 you to turn to the next page. At the bottom 9 there's some Bates numbers. See where it says 10 Atkins, a bunch of zeroes and number two at the 11 bottom? 12 A. Yes, sir. 13 Q. Okay. I want you to look at that 14 page, and do you see where it says PACC 503(A)(1) 15 disorderly conduct? 16 A. Yes, sir. 17 Q. Under that, would you mind 18 reading that paragraph? 19 A. Out loud? 20 Q. Yes, please. 21 A. In that on or about said date, 22 the defendant, with intent to cause substantial 23 public inconvenience, annoyance or alarm or 24 recklessly creating a risk thereof, he engages in 25 fighting or threatening or in violent or</p>	<p style="text-align: right;">Page 93</p> <p>1 tumultuous behavior? 2 A. No, sir. 3 Q. That's not possible or is that 4 not your understanding? 5 A. I wasn't doing that. 6 Q. I'm not asking you that. I'm 7 asking you what you were charged for. If you 8 don't know, that's fine. 9 A. I don't know. 10 Q. Okay. Were you aware that other 11 individuals outside of the Reading pride event 12 were holding signs? 13 A. Yes, sir. 14 Q. And I should clarify. 15 Individuals that were unassociated with the pride 16 event but were standing on the opposite side of 17 the street like you were? 18 A. Yes, sir. 19 Q. All right. And they were holding 20 signs. Do you know if any of them were arrested? 21 A. No, sir. 22 Q. Do you know why they weren't 23 arrested? 24 A. No, sir. 25 Q. Did you ignore or violate any</p>

24 (Pages 90 - 93)

<p style="text-align: right;">Page 94</p> <p>1 directives from Sergeant McClure?</p> <p>2 A. No, sir.</p> <p>3 Q. You mentioned the video where you</p> <p>4 were interviewed by CBN News. Do you remember</p> <p>5 that?</p> <p>6 A. Yes, sir.</p> <p>7 Q. How did you -- how did you come</p> <p>8 in contact -- or how did that come about? Did</p> <p>9 someone ask you to do an interview?</p> <p>10 A. I'm not sure. I think it might</p> <p>11 have come from Matt who put me in touch with the</p> <p>12 owner of the Lancaster Patriot who then said CBN</p> <p>13 was trying to reach out to me, but WZM 69 News</p> <p>14 knocked on my door. That's how I interviewed</p> <p>15 with them, but I don't really recall how I got in</p> <p>16 touch with CBN.</p> <p>17 Q. Okay. So let me back up a little</p> <p>18 bit. Did you do some interviews with news</p> <p>19 organizations after the event?</p> <p>20 A. Yes, sir.</p> <p>21 Q. Did you do those voluntarily?</p> <p>22 A. Yes, sir.</p> <p>23 Q. Did anybody make you do those</p> <p>24 interviews?</p> <p>25 A. No, sir.</p>	<p style="text-align: right;">Page 96</p> <p>1 Q. Okay.</p> <p>2 A. Because I felt like I was getting</p> <p>3 a lot of stuff at once. Like, people were</p> <p>4 sending me stuff, and I just remember seeing</p> <p>5 this, but I thought it was above or below the</p> <p>6 video.</p> <p>7 Q. So 69 News, is that different</p> <p>8 than CBN news?</p> <p>9 A. Yes, sir.</p> <p>10 Q. There was a video of an interview</p> <p>11 with you. Is that what you're saying?</p> <p>12 A. 69 News used a video when they</p> <p>13 came to my house. He shot an interview video</p> <p>14 with me, and that's what I thought -- I think I</p> <p>15 remember someone sending me that video, and this</p> <p>16 was above or below it, but once again, I'm</p> <p>17 not -- I don't want to misspeak. I'm not sure.</p> <p>18 Q. Do you know if that video was</p> <p>19 ever aired on TV or the internet?</p> <p>20 A. I think it was on their online</p> <p>21 internet, yeah, but I don't even think people</p> <p>22 watch TV anymore, it seems like, so I'm not sure.</p> <p>23 Q. Was it on YouTube?</p> <p>24 A. Yeah. It was online, I think.</p> <p>25 Yeah.</p>
<p style="text-align: right;">Page 95</p> <p>1 Q. You could have refused the</p> <p>2 interviews?</p> <p>3 A. Yes, sir.</p> <p>4 Q. And all of them you did</p> <p>5 voluntarily?</p> <p>6 A. Yes, sir.</p> <p>7 Q. How many did you do?</p> <p>8 A. Two.</p> <p>9 Q. One of them was with WFMZ?</p> <p>10 A. Yes, sir.</p> <p>11 Q. Was an article released in</p> <p>12 relation to the interview that you did with WFMZ?</p> <p>13 A. Not that I'm aware of. I thought</p> <p>14 it was just a news video.</p> <p>15 Q. Okay. I'm going to show you a</p> <p>16 document that's been produced as Atkins 78. I'm</p> <p>17 going to ask you to look at it. I may put it in</p> <p>18 evidence. I may not. Do you recognize this</p> <p>19 document? You can take a look at it.</p> <p>20 A. I recognize this. Yes.</p> <p>21 Q. Have you seen this document</p> <p>22 before or did you see this posted on the internet</p> <p>23 somewhere before?</p> <p>24 A. I thought it was under or above</p> <p>25 the video from 69 News, but I'm not sure.</p>	<p style="text-align: right;">Page 97</p> <p>1 Q. And you think that this document</p> <p>2 was attached as, like, a hyperlink or something</p> <p>3 that you could click on?</p> <p>4 A. Yeah. Like, I thought I remember</p> <p>5 reading this. Like I said, there was so much</p> <p>6 stuff people were sending me. This was above or</p> <p>7 below the video that I watched from 69 News.</p> <p>8 Q. Okay.</p> <p>9 MR. CONLEY: For the record and</p> <p>10 clarity, I will have it marked, the</p> <p>11 discussion concerning Atkins -- what's</p> <p>12 Bates-numbered as Atkins 7 through 8 I'll</p> <p>13 have marked as Atkins-3.</p> <p>14 (A document was marked for</p> <p>15 identification as Atkins Exhibit No. 3.)</p> <p>16 (A short break was taken.)</p> <p>17 BY MR. CONLEY:</p> <p>18 Q. I was going to ask you about the</p> <p>19 video that Matt Wear sent to you. After he sent</p> <p>20 it to you, are you aware that that video was</p> <p>21 posted to YouTube?</p> <p>22 A. Yes, sir.</p> <p>23 Q. Do you know who posted it to</p> <p>24 YouTube?</p> <p>25 A. He posted it.</p>

25 (Pages 94 - 97)

<p style="text-align: right;">Page 98</p> <p>1 Q. Did you object to him -- let me 2 back up. 3 Did he tell you that he was going 4 to post it to YouTube? 5 A. No, sir. 6 Q. Did you tell him don't post that 7 to YouTube? 8 A. No, sir. I wasn't thrilled. 9 Q. You weren't thrilled? 10 A. No. 11 Q. Why not? 12 A. It's his video. I don't know. I 13 just -- I wasn't there to make a video. That 14 wasn't my intent, so I just was hesitant. He 15 didn't even ask me, but it's his video. 16 Q. Okay. Why wouldn't you -- was 17 there some reason that you didn't want it to be 18 posted online? 19 A. Because I wasn't there to make a 20 video, so it just kind of caught me off guard. 21 Q. Okay. 22 A. It's something personal that 23 happened. Maybe I just felt like we should have 24 talked about it first. 25 Q. If you had talked about it, would</p>	<p style="text-align: right;">Page 100</p> <p>1 rationale for raising those complaints against 2 the city and the other defendants? 3 MR. READY: Object to form, but 4 you can answer. 5 Q. Do you understand? 6 A. No, sir. 7 Q. Why did you raise those 8 complaints? 9 A. Why do I feel like defamation of 10 character? 11 Q. Why did you raise the complaints 12 against the city for defamation and publicity -- 13 A. Because they said something that 14 was untrue. 15 Q. Hold on. Again, let me go back. 16 A. I'm sorry. 17 Q. Why did you raise the complaints 18 for defamation and publicity of a private event? 19 A. Because they said things that 20 were untrue. 21 Q. What was untrue? 22 A. I saw an article where the cops 23 said I was there for an hour prior to the video 24 and there's more to this story, and it made feel 25 like that wasn't true.</p>
<p style="text-align: right;">Page 99</p> <p>1 you have agreed to post the video? 2 A. I probably would have asked him 3 not to do it. 4 Q. Why? 5 A. I just feel like because I wasn't 6 there to make a video. 7 Q. I understand that. I understand 8 your intent was not to make a video. I'm trying 9 to understand why you didn't want it posted? 10 A. That's the reason why. 11 Q. Just because you didn't want 12 it -- you weren't there for that intention? 13 A. No. I wasn't there to make a 14 YouTube video and then a YouTube video was made, 15 so I just would have maybe -- if we talked about 16 it, I probably would have asked him not to post 17 it. 18 Q. Do you think he had a right to 19 videotape the events there? 20 A. Yes. Yes, sir. 21 Q. You sued the defendants for 22 defamation and publicity of a private event. Do 23 you know about that? 24 A. Yes, sir. 25 Q. And the raising -- what was the</p>	<p style="text-align: right;">Page 101</p> <p>1 Q. Did the police post that article? 2 A. Yes. On Fox News. 3 Q. The police posted it? 4 A. Yes. 5 Q. They told Fox News to post the 6 article? 7 A. It was posted to Fox News. It's 8 the screenshot I have. 9 Q. I understand, but Fox News posted 10 it, right? 11 A. It says that that an officer told 12 Fox News, so yeah. Fox News posted it. 13 Q. So you're not saying that the 14 police published something online? 15 MR. READY: Object to form. You 16 can answer. 17 Q. Is that something -- go ahead. 18 A. I felt like they weren't telling 19 the truth. 20 Q. You thought that it wasn't true 21 that you were there for over an hour? 22 A. I wasn't there for over an hour. 23 Q. Okay. How was that harmful to 24 you? 25 A. Well, because it makes me look</p>

<p style="text-align: right;">Page 102</p> <p>1 like I'm lying, and I told you earlier I have a 2 fear of not telling the truth. 3 Q. How does it make you look like 4 you're lying if there's no counterreference to 5 you saying that you were there for a short amount 6 of time? 7 A. Because I went on CBN and said 8 that I just got there and then they released 9 something that said I didn't just get there. I 10 was there for an hour before Matt started 11 filming, and that made me feel like they were 12 trying to make it look like I'm lying. 13 Q. Did somebody compel you to go on 14 CBN News? 15 A. No. He called me and asked me, 16 and I said yes. 17 Q. And you agreed? 18 A. Yes, sir. 19 Q. Okay. The other articles that 20 were released in this case, and you produced a 21 bunch of them in discovery, were any of them 22 published by the police department or the City of 23 Reading or any of the defendants in this case? 24 MR. READY: Object to form. You 25 can answer.</p>	<p style="text-align: right;">Page 104</p> <p>1 interview question? 2 A. The YouTube video. 3 Q. What YouTube video? 4 A. The YouTube video of the 5 incident. 6 Q. How does that YouTube video of 7 the incident -- the one posted by Matt Wear? 8 A. Yes, sir. 9 Q. How does that have any bearing on 10 whether the chief of police chose to and went out 11 of his way to make a statement? 12 A. Because the video shows me just 13 arriving. 14 Q. I'm not sure you're understanding 15 my question. I'm asking you -- you said that the 16 chief affirmatively on his own volition went out 17 of his way to make a statement? 18 A. Yes, sir. 19 Q. He wasn't compelled to do it. It 20 wasn't in response to a question. He did it on 21 his own. How does that video have any relation 22 to the chief's choice as you're saying it to make 23 a statement? 24 A. Because it shows it's not true 25 what he said, so then I feel he went out of his</p>
<p style="text-align: right;">Page 103</p> <p>1 A. No. I'm not understanding the 2 question. 3 Q. Did any of the defendants place 4 something online or in the news print? 5 A. There was one other article I 6 remember reading that the chief of police said 7 that he stood by the officer and that there was 8 more to the story. 9 Q. Did the -- is it your contention 10 that the chief of police went out of his way to 11 make that statement? 12 A. Yes, sir. 13 Q. He wasn't asked that statement in 14 an interview? 15 A. I feel he went out of his way to 16 say that. 17 Q. How do you feel that? Do you 18 have any facts to support that? 19 A. Well, it's untrue. 20 Q. Okay. I'm not asking that. 21 A. The fact is the video. It's how 22 I feel. 23 Q. I'm asking what facts do you have 24 that the chief of police went out of his way to 25 post -- or to say something and it wasn't an</p>	<p style="text-align: right;">Page 105</p> <p>1 way because he's not telling the truth. 2 Q. So you feel that he went out of 3 his way? 4 A. Yes, sir. 5 Q. Okay. You don't have any facts 6 to support that other than your own feelings? 7 MR. READY: Object to form. You 8 can answer. 9 A. I have the video. 10 Q. Again, not my question. My 11 question is that you feel that way. You don't 12 have any facts to support it? 13 A. I have the video. 14 Q. Again, not my question. My 15 question is different. My question is: You feel 16 that way, but you don't have any facts to support 17 it. Is that correct? 18 MR. READY: You're 19 asking -- objection. You're asking about 20 facts to support what? 21 Q. What we've been -- what I've been 22 talking about this whole time, whether the chief 23 went out of his way on his own volition to make a 24 statement and it wasn't in response to a 25 question.</p>

<p style="text-align: right;">Page 106</p> <p>1 MR. READY: You can answer if you 2 know what the question is asking. I'll 3 object to form of this. 4 A. I'm not -- I'm not sure what 5 you're saying. I'm not trying to be difficult 6 either. Sorry. 7 Q. That's okay. If you don't know, 8 you can answer I don't know. I get the feeling 9 that you don't understand the question which is 10 fine. I'll get to those in a second. 11 When you interviewed with CBN 12 News, were you told that it would be posted 13 online? 14 A. Yes, sir. 15 Q. You knew that it was going to be 16 posted online at the time you did it? 17 A. Yes, sir. 18 Q. And you did it voluntarily? 19 A. Yes, sir. 20 Q. Okay. Did you sue Matt Wear or 21 CBN News for defamation or release of private 22 information? 23 A. No, sir. 24 Q. Why not? 25 A. Because I just felt once it was</p>	<p style="text-align: right;">Page 108</p> <p>1 I would have liked to talk to him first, my 2 lawyer. 3 Q. Okay. I don't want to get into 4 any discussions that you had about that. 5 A. Yeah. 6 Q. So people were calling you? 7 A. Yes. 8 Q. Who was calling you? 9 A. All kinds of people. There were 10 radio stations, and a lady was doing a podcast. 11 Someone else was doing this over here. I felt 12 like I was being, like, pulled, and I wasn't sure 13 what to do. Another part of me said, well, then 14 I'll just use this CBN to tell -- warn people 15 about Jesus Christ of Nazareth, but then, like I 16 said, it just -- it was happening so fast. 17 Q. And were you able to use CBN to 18 kind of spread your message about Jesus Christ? 19 A. Yes, sir. 20 Q. Do you know how many page views 21 the CBN YouTube posting of your interview 22 received? 23 A. No, sir. I know it was a few. 24 Matt's was a few, too. Then there was all these 25 reaction videos that came after it. They seemed</p>
<p style="text-align: right;">Page 107</p> <p>1 out, it was already out, and I wasn't upset with 2 him. I just felt like I would like to have 3 talked with Matt before that, but then I kind of 4 felt like he has a right to video whatever he 5 wants. 6 Q. So once it was out and it was 7 already out, you felt no need to say no to the 8 CBN News interview. Is that fair? 9 A. Well, no. The reason I felt like 10 I wanted to do the CBN was because the police 11 report wasn't true, and I wanted to tell people 12 that it wasn't true. 13 Q. So you wanted to tell people 14 that? You wanted that information out? 15 A. At the time I just -- I was 16 nervous, and it just happened. Everything was 17 happening fast. I just was going with the 18 Lancaster Patriot gentleman that said I should do 19 it, so then I just -- I did it, but looking back, 20 you know, I probably wouldn't do it. 21 Q. You regret doing it? 22 A. It's not that I regret it. It's 23 just -- it was like a blur. Everything was 24 happening so fast. So many people were calling 25 me and wanting to talk to me. Looking back now,</p>	<p style="text-align: right;">Page 109</p> <p>1 like they had a lot of views, too. 2 Q. And just for the clarity of the 3 record, when you say a few, you mean more than 4 three. It was a lot? 5 A. It was a lot. Thousands and 6 thousands. One of them was 500,000. I saw one 7 that's 700,000. 8 Q. Okay. Did you go back and look 9 at how many page views were getting accumulated 10 for either Matt Wear's video or video from CBN 11 News? 12 A. Well, I watched one reaction 13 video, and the comment, like, brought me to 14 tears, so then I said I'm not -- I can't look at 15 this anymore. And since then I don't -- last 16 night I looked at the video again, but I have 17 restricted it on my YouTube, so it doesn't let me 18 see any comments because it just didn't -- it 19 didn't feel right when I read it. 20 Q. What kind of comments -- what 21 comment did you read that brought you to tears? 22 A. I don't really remember, but it 23 wasn't a good comment. It felt like they were 24 punching me in the stomach. 25 Q. Okay.</p>

<p style="text-align: right;">Page 110</p> <p>1 A. Like, that's not why I was out 2 there, to get views or money. I just wanted to 3 tell people about Jesus Christ. 4 Q. Okay. I know that you got a 5 bunch of calls. Are you aware that the City of 6 Reading, the police department and Officer 7 McClure were receiving a bunch of calls as well? 8 A. I heard that. Yeah. 9 Q. Where did you hear that? 10 A. I thought I saw it on -- someone 11 told me, and I saw it on the news that they were 12 getting, like, all kinds of rude calls which I 13 wouldn't want them to get. I didn't tell anyone 14 to call them or want anyone to say anything, but 15 I just remember hearing that they couldn't even 16 operate they were getting so many phone calls. 17 Q. Do you want a break? 18 A. No. I'm all right. 19 Q. So you don't agree with that? 20 A. Absolutely not. No. 21 Q. You don't agree with these people 22 that were calling the police department and 23 Officer McClure? 24 A. No. 25 Q. Do you know that some of them</p>	<p style="text-align: right;">Page 112</p> <p>1 A. Well, the Bible says that God's 2 word won't return void, so if someone hears it, 3 then I will. That's not my intention. My 4 intention is to go do what he wants me to do. 5 Q. Do you object if somebody hears 6 your voice when you do your street preaching? 7 A. No, sir. 8 Q. Again, if you can wait. 9 A. I'm sorry. 10 Q. You're doing fine. I know it's 11 hard. I'm going to read from your complaint 12 which we have previously marked as Atkins-1. I'm 13 going to paragraph 41, and it says, quote: Eddie 14 Moran, mayor of the City of Reading, who was 15 present during the visit and after having further 16 opportunity to investigate the same, made a 17 public statement: Quote, with regard to the 18 incident, the city respects the First Amendment 19 rights of all individuals. However, freedom of 20 speech does not include the right to disrupt an 21 organized event and interfere with the rights of 22 others, end quote. 23 I'm sorry. You weren't reading 24 along. I didn't ask you to. Do you have any 25 objection as to whether I read that accurately?</p>
<p style="text-align: right;">Page 111</p> <p>1 included direct threats against Officer McClure, 2 Sergeant McClure? 3 A. No. I just remember hearing that 4 they weren't nice, and I wouldn't want anyone to 5 threaten him. 6 Q. Do you have any personal animus 7 towards Sergeant McClure? 8 A. No, sir. 9 Q. Do you have any personal animus 10 towards the City of Reading, Mayor Moran, Chief 11 Tornielli? 12 A. No, sir. 13 Q. And lastly, Courtney Dupree, no 14 personal animus? 15 A. No, sir. 16 Q. I'm going to ramp it back down a 17 little bit. 18 When you do your street 19 preaching, you intend to have an audience, 20 correct? 21 A. No, sir. 22 Q. No? 23 A. Uh-uh. 24 Q. You don't intend for people to 25 hear your voice?</p>	<p style="text-align: right;">Page 113</p> <p>1 MR. READY: We'll stipulate that 2 you read it accurately. 3 Q. Thank you. I apologize. 4 A. That's okay. 5 Q. And then in paragraph 42, if you 6 want to follow along, it says: Richard 7 Tornielli, chief of police for the Reading Police 8 Department, after having opportunity to 9 investigate the incident, made a public 10 statement: Our officers gave him warnings to 11 cease that behavior as it was disrupting the 12 event that was taking place, end quote. 13 The next paragraph says: The 14 foregoing statements by Eddie Moran and Richard 15 Tornielli are false and were willfully and 16 wantonly made by them to harm Atkins' reputation. 17 Specifically with regard to 18 paragraph 41, what exactly in the statement that 19 is quoted in paragraph 41 is false? 20 MR. READY: Object to form, but 21 you can answer. 22 A. What about 41 is false? 23 Q. What about the quotation that 24 begins with, quote, with regard to and ends with 25 others, end quote, is false that's within</p>

<p style="text-align: right;">Page 114</p> <p>1 paragraph 41 there?</p> <p>2 A. What do I think is false in here?</p> <p>3 Q. I'm asking you what's false? If</p> <p>4 there's nothing that's false, you can tell me</p> <p>5 there's nothing that's false.</p> <p>6 A. Well, freedom of speech does not</p> <p>7 include the right to disrupt an organized event</p> <p>8 or interfere with the rights of others, I don't</p> <p>9 feel like I was interfering with the rights of</p> <p>10 others. And organized event doesn't take away my</p> <p>11 right to be able to stand on there and street</p> <p>12 preach.</p> <p>13 Q. So the quotation there says --</p> <p>14 doesn't mention you at all, does it?</p> <p>15 A. But no. Am I saying why I think</p> <p>16 this is false?</p> <p>17 Q. I'm asking why you think it was</p> <p>18 false?</p> <p>19 A. Because I wasn't disrupting the</p> <p>20 rights of others, and an organized event doesn't</p> <p>21 take away my right to stand there and street</p> <p>22 preach.</p> <p>23 Q. Okay. I understand what you're</p> <p>24 saying. My question is: There's nothing in that</p> <p>25 statement that I quoted to you in paragraph 41</p>	<p style="text-align: right;">Page 116</p> <p>1 claim that those statements were made with the</p> <p>2 purpose of harming your reputation?</p> <p>3 MR. READY: Same objection. You</p> <p>4 can answer.</p> <p>5 A. The body cam footage showing</p> <p>6 they're not warning me.</p> <p>7 Q. Again, the question is not -- how</p> <p>8 does the body camera footage inform you about</p> <p>9 whether those statements were made to harm your</p> <p>10 reputation?</p> <p>11 A. Because they're not true.</p> <p>12 Q. Which statement is not true?</p> <p>13 A. That our officers gave him</p> <p>14 warnings to cease that behavior as it was</p> <p>15 disrupting the event that was taking place.</p> <p>16 That's not true.</p> <p>17 Q. So you're referring to 42?</p> <p>18 A. Yes, sir.</p> <p>19 Q. You're saying that that's not</p> <p>20 true?</p> <p>21 A. I didn't receive warning, sir.</p> <p>22 Q. Now, my question is going to be a</p> <p>23 little bit different. What evidence that you had</p> <p>24 or what evidence do you have that that statement</p> <p>25 was made -- and assuming it was false, that that</p>
<p style="text-align: right;">Page 115</p> <p>1 that refers to you, is there? It doesn't say</p> <p>2 that you, Damon Atkins, were disrupting an event?</p> <p>3 A. Oh, no. No, sir.</p> <p>4 Q. Okay. So it's not false in that</p> <p>5 regard?</p> <p>6 A. No, sir.</p> <p>7 Q. Okay. And it doesn't say that</p> <p>8 you, Damon Atkins, were interfering with the</p> <p>9 rights of others?</p> <p>10 A. I'm sorry. No, sir.</p> <p>11 Q. Okay. So it's not false in that</p> <p>12 regard either?</p> <p>13 A. No, sir.</p> <p>14 Q. With regard to the statement in</p> <p>15 paragraph 43 that that statement was made to harm</p> <p>16 you and harm your reputation, what facts do you</p> <p>17 have to support that allegation that that</p> <p>18 statement was made to harm you or to harm your</p> <p>19 reputation?</p> <p>20 MR. READY: Object to form. You</p> <p>21 can answer.</p> <p>22 A. They didn't warn me.</p> <p>23 Q. Okay. So you're saying you</p> <p>24 weren't warned. I'm asking you a different</p> <p>25 question. What facts do you have to support the</p>	<p style="text-align: right;">Page 117</p> <p>1 statement was made for the purpose of harming</p> <p>2 you?</p> <p>3 MR. READY: Object to form again,</p> <p>4 but you can answer if you're able.</p> <p>5 Q. My question, just for clarity, is</p> <p>6 not whether it was false. My question is: What</p> <p>7 evidence you have about the intent behind the</p> <p>8 statement?</p> <p>9 A. Well, I feel if you say something</p> <p>10 that's not true, your intent is to harm you.</p> <p>11 Q. Okay. So you assume intent from</p> <p>12 a falsehood?</p> <p>13 A. If it's not the truth, why would</p> <p>14 you say it?</p> <p>15 Q. Well, don't people make mistakes?</p> <p>16 A. I just feel like that statement</p> <p>17 is untrue.</p> <p>18 Q. Okay. Aside from it being</p> <p>19 untrue, do you have any other evidence or</p> <p>20 information as to whether it was made or why it</p> <p>21 was made as you claim here that it was made to</p> <p>22 harm your reputation?</p> <p>23 MR. READY: Same objection. You</p> <p>24 can answer.</p> <p>25 A. I have the video.</p>

<p style="text-align: right;">Page 118</p> <p>1 Q. Other than the video?</p> <p>2 A. No, sir.</p> <p>3 Q. Okay. Did those statements that</p> <p>4 you read in paragraphs 41 and 42 lower your</p> <p>5 reputation in the community or have any effect on</p> <p>6 your reputation in the community?</p> <p>7 A. Yes, sir.</p> <p>8 Q. How so?</p> <p>9 A. It makes me like I'm not telling</p> <p>10 the truth.</p> <p>11 Q. Has anybody told you -- has</p> <p>12 anybody come to you and said, hey, Damon Atkins,</p> <p>13 you're a liar based upon these statements?</p> <p>14 A. No, sir.</p> <p>15 Q. Nobody has said that?</p> <p>16 A. No, sir.</p> <p>17 Q. Okay. You feel that way?</p> <p>18 A. Yes, sir.</p> <p>19 Q. Has anybody -- have you lost an</p> <p>20 employment opportunity because of these</p> <p>21 statements?</p> <p>22 A. I applied to a job, and one of</p> <p>23 the people recognized me, and they didn't call me</p> <p>24 back, but I can't really put that to that, but I</p> <p>25 just felt like she looked at me weird after she</p>	<p style="text-align: right;">Page 120</p> <p>1 for the company. Then someone came up and said</p> <p>2 that they recognized me from the YouTube video,</p> <p>3 and she said she was going to -- when she said I</p> <p>4 was a good fit for the company, she said she'll</p> <p>5 call me in a day or so, and she never called, and</p> <p>6 they wouldn't return my call, so I kind of just</p> <p>7 thought that was strange.</p> <p>8 Q. Okay. Was it a different person</p> <p>9 that told you about the video?</p> <p>10 A. I spoke to a lady that said I was</p> <p>11 a good fit for the company. Then someone came</p> <p>12 up, and I heard them say that I was on the</p> <p>13 YouTube video and then she said she was going to</p> <p>14 give me a call before they started talking and</p> <p>15 then she never called me. And I called them, and</p> <p>16 she didn't return my call.</p> <p>17 Q. Okay. I think I understand. So</p> <p>18 in the course of your interview, a third party</p> <p>19 came in?</p> <p>20 A. Yeah. Came in. Sorry to</p> <p>21 interrupt.</p> <p>22 Q. That's okay. With regard to the</p> <p>23 statement in paragraph 42, is it your allegation</p> <p>24 that that statement harmed your reputation?</p> <p>25 A. Yes, sir.</p>
<p style="text-align: right;">Page 119</p> <p>1 said that I was on the YouTube video, but...</p> <p>2 Q. She said that she recognized you</p> <p>3 from the YouTube video?</p> <p>4 A. Yes, sir.</p> <p>5 Q. And then you didn't receive that</p> <p>6 job?</p> <p>7 A. No.</p> <p>8 Q. What job was that?</p> <p>9 A. And they said I had it until she</p> <p>10 said that they saw me on the YouTube.</p> <p>11 Q. And is she referring to the Matt</p> <p>12 Wear YouTube video?</p> <p>13 A. Yes, sir.</p> <p>14 Q. What job was that?</p> <p>15 A. It was a dishwashing job at a</p> <p>16 restaurant. I'm not sure the name. I'm sorry.</p> <p>17 Q. That's okay.</p> <p>18 A. It was a while ago.</p> <p>19 Q. And just to clarify, she didn't</p> <p>20 say, hey, I saw you on the YouTube video.</p> <p>21 Therefore, I'm not going to hire you?</p> <p>22 A. No.</p> <p>23 Q. But it's your feeling that you</p> <p>24 weren't hired because --</p> <p>25 A. At first she said I'm a good fit</p>	<p style="text-align: right;">Page 121</p> <p>1 Q. How so? How did it harm your</p> <p>2 reputation?</p> <p>3 A. Because it's not the truth.</p> <p>4 Q. Did anybody tell you, hey, I saw</p> <p>5 this statement in paragraph 42 and I now think</p> <p>6 that you don't tell the truth?</p> <p>7 A. No, sir.</p> <p>8 Q. Okay. Did you lose any</p> <p>9 employment opportunities because of that?</p> <p>10 A. No, sir.</p> <p>11 Q. Okay. So other than your own</p> <p>12 feelings, do you have any evidence that other</p> <p>13 people hold you in lower regard because of the</p> <p>14 statements contained within the complaint?</p> <p>15 A. No, sir.</p> <p>16 Q. Okay. I'm going to ask you to</p> <p>17 read paragraph 44 and just read it to yourself.</p> <p>18 It's a longer one, so I'm not going to have you</p> <p>19 read it out loud.</p> <p>20 A. (Witness complies with request.)</p> <p>21 Q. Are you done?</p> <p>22 A. Yes, sir.</p> <p>23 Q. Is there anything within</p> <p>24 paragraph 44 that you claim is untrue?</p> <p>25 A. No, sir.</p>

<p style="text-align: right;">Page 122</p> <p>1 Q. Do you see paragraph 45 where it 2 says Tornielli made the foregoing statements, 3 those in paragraph 44, were made to, quote, 4 further chill the speech of Americans, end quote. 5 Do you see that? 6 A. Yes, sir. 7 Q. What evidence do you have that 8 those statements were made to chill the speech of 9 Americans? 10 MR. READY: Object to form. You 11 can answer. 12 A. I'm not sure I understand the 13 question. 14 Q. Do you understand what it means 15 to chill the speech of Americans? 16 A. No, sir. 17 Q. Respectfully, it's your 18 complaint. 19 MR. READY: Objection. 20 Q. What do you mean by that? 21 MR. READY: Object to form. You 22 can answer if you can. 23 A. To try to stop the calls from 24 coming in. I didn't want any of this to happen. 25 Q. You didn't want the calls to come</p>	<p style="text-align: right;">Page 124</p> <p>1 respectfully it is your complaint. 2 MR. READY: I'm going to object 3 to the form. It's a complaint filed on 4 his behalf. That doesn't mean he's going 5 to understand the legal language in it. 6 You're allowed to ask him about it, but 7 just object to the form as if it's his 8 statement. 9 MR. CONLEY: I mean -- okay. 10 BY MR. CONLEY: 11 Q. I'm trying to understand what you 12 mean by saying in this complaint that, yes, it is 13 filed on your behalf. You agree with that, 14 right? 15 A. Yes. 16 Q. And you reviewed the complaint? 17 A. Yes, sir. 18 Q. Okay. And everything in the 19 complaint met with your approval? 20 MR. READY: Object to the form. 21 Q. If there's something that didn't 22 meet your approval, you can tell me about it. If 23 you disagree with paragraph 45 and you want to 24 say, hey, Mr. Conley, it shouldn't be in here, 25 feel free.</p>
<p style="text-align: right;">Page 123</p> <p>1 in. Is that what you're talking about in 45 2 here, paragraph 45? 3 A. Yes. I didn't tell anyone to 4 call them. 5 Q. Do you think that there were any 6 Americans -- any other American citizens or 7 people inhabiting America, maybe they're not 8 citizens, that were prevented or decided not to 9 express their opinions because of the statements 10 made by Chief Tornielli that are reflected in 11 paragraph 44? 12 A. What do you mean? Because of the 13 statement, they didn't call in? 14 Q. No. I don't know. You tell me. 15 A. I don't understand what you're 16 asking me. 17 Q. Is there anything that Americans 18 didn't say, anything at all, based upon the 19 statements attributed to Chief Tornielli in 20 paragraph 44? 21 MR. READY: Object to the form. 22 A. I don't understand what you're 23 asking me. 24 Q. I'm asking you. I'm trying to 25 understand what you mean by your complaint, and</p>	<p style="text-align: right;">Page 125</p> <p>1 MR. READY: I'm going to object 2 to the form. You can try and answer if 3 you'd like. 4 A. I'm not trying to be, like, rude. 5 I don't understand what you're asking me. 6 Q. I'm trying to ask you what speech 7 of Americans were chilled? And when I say 8 chilled, I mean they read something, they heard a 9 comment, and they decided that I'm not -- me, the 10 American, I'm not going to make a statement now 11 because I've heard what Chief Tornielli said. 12 MR. READY: Object to the form. 13 Calls for speculation, but you can 14 answer. 15 A. I feel that this was said to try 16 to stop people from aggressively calling. 17 Q. The police department? 18 A. Yes. 19 Q. With threats? 20 A. Yes. Like, almost, like, you 21 don't have to call on my behalf because there's 22 more to the story is how I feel when I see that. 23 Q. Okay. Do you have any evidence 24 that any Americans didn't make calls to the 25 police department because of the statements in</p>

<p style="text-align: right;">Page 126</p> <p>1 paragraph 44?</p> <p>2 MR. READY: Object to the form.</p> <p>3 You can answer.</p> <p>4 A. I didn't want anyone to call.</p> <p>5 Q. I understand you didn't want them</p> <p>6 to. My question is a little bit different. I'm</p> <p>7 asking if you know of any people who intended to</p> <p>8 call that didn't because of the statements in</p> <p>9 paragraph 44?</p> <p>10 A. No, sir.</p> <p>11 Q. Okay. In paragraph 49 of the</p> <p>12 complaint, the allegation is as follows, quote:</p> <p>13 Based on the foregoing, it is the policy of the</p> <p>14 City of Reading to accord a privileged status to</p> <p>15 the LGBTQ pride movement, which privileged status</p> <p>16 equates any dissenting viewpoint from LGBTQ</p> <p>17 identity politics or from the public promotion of</p> <p>18 LGBTQ practice as "derogatory comments,"</p> <p>19 "insults" and "hate speech," which must be</p> <p>20 chilled and suppressed, including by force of the</p> <p>21 Reading police department.</p> <p>22 Aside from some of the quotation</p> <p>23 marks, did I read that accurately?</p> <p>24 A. Yes, sir.</p> <p>25 Q. What information do you have, if</p>	<p style="text-align: right;">Page 128</p> <p>1 the City of Reading?</p> <p>2 A. No. Just how I was treated.</p> <p>3 Q. Okay. Is it fair to say that</p> <p>4 your interpretation of how you were treated is</p> <p>5 the basis for the statements you made that the</p> <p>6 city has that policy?</p> <p>7 A. Yes, sir.</p> <p>8 Q. Regarding those allegations, the</p> <p>9 statements attributed to Chief Tornielli in</p> <p>10 paragraph 44, would you agree with me that the</p> <p>11 purpose of those statements was to address the</p> <p>12 amount of calls coming into the city and the</p> <p>13 police department about the incident?</p> <p>14 A. I think that the reason that was</p> <p>15 said was because of the amount of calls that were</p> <p>16 coming in, yes. Yes, sir.</p> <p>17 Q. Is there anything in the</p> <p>18 statements attributed to Chief Tornielli in</p> <p>19 paragraph 44 that is derogatory or harms your</p> <p>20 reputation?</p> <p>21 MR. READY: Object to form. You</p> <p>22 can answer.</p> <p>23 A. They're not talking about me in</p> <p>24 this paragraph.</p> <p>25 Q. Okay.</p>
<p style="text-align: right;">Page 127</p> <p>1 any, to support the allegation that the City of</p> <p>2 Reading holds that policy?</p> <p>3 A. Because the officer stated I was</p> <p>4 yelling derogatory comments.</p> <p>5 Q. Aside from the officer stating</p> <p>6 that, do you have any other information that it</p> <p>7 was the policy of the City of Reading?</p> <p>8 MR. READY: Object to form.</p> <p>9 You're asking him personally, correct?</p> <p>10 MR. CONLEY: Yeah. What he</p> <p>11 knows. It's his complaint. I want to</p> <p>12 know what evidence he has.</p> <p>13 THE WITNESS: Well, I was</p> <p>14 arrested, so it feels like they got to</p> <p>15 have their day, but I didn't get the</p> <p>16 same. And then it was said that I yelled</p> <p>17 derogatory statements, and I didn't.</p> <p>18 BY MR. CONLEY:</p> <p>19 Q. Are you aware of any written</p> <p>20 policy, like a document that says that this is</p> <p>21 the policy of the City of Reading?</p> <p>22 A. No, sir.</p> <p>23 Q. Okay. Are you aware of any</p> <p>24 emails, correspondence, memos that indicate that</p> <p>25 the allegation in paragraph 49 is the policy of</p>	<p style="text-align: right;">Page 129</p> <p>1 A. They're just talking about the</p> <p>2 phone calls, which I didn't want anyone to call.</p> <p>3 Q. Did you have the intent to make a</p> <p>4 phone call to the city to complain?</p> <p>5 A. I didn't call them at all. No.</p> <p>6 Q. My question was just slightly</p> <p>7 different. Did you have the intent to call them?</p> <p>8 A. I never wanted to call them. No.</p> <p>9 No, sir.</p> <p>10 Q. After the -- I'm going to talk</p> <p>11 about both of them together. After the YouTube</p> <p>12 video posted by Matt Wear and the YouTube video</p> <p>13 of the CBN News interview, after they were posted</p> <p>14 to the internet, did you do anything to promote</p> <p>15 those videos?</p> <p>16 A. No, sir.</p> <p>17 Q. You didn't tell anybody to watch</p> <p>18 them?</p> <p>19 A. I sent the video of Matt Wear to</p> <p>20 my family.</p> <p>21 Q. How did you send it? Via text or</p> <p>22 email?</p> <p>23 A. Text. A group text.</p> <p>24 Q. Was it all your brothers and</p> <p>25 sisters or just your sisters?</p>

<p style="text-align: right;">Page 130</p> <p>1 A. It was friends and family.</p> <p>2 Q. Do you know how many people you</p> <p>3 sent it to?</p> <p>4 A. I would say about maybe eight, I</p> <p>5 think.</p> <p>6 Q. You probably don't remember</p> <p>7 exactly who you sent it to, but can you give me</p> <p>8 any names of the people that were included in</p> <p>9 that group text?</p> <p>10 A. Brian, Toni, Nikki. I don't</p> <p>11 remember the rest. I'm sorry.</p> <p>12 Q. That's okay. Brian, what's his</p> <p>13 last name?</p> <p>14 A. Brian Page.</p> <p>15 Q. Is he a friend?</p> <p>16 A. Yes.</p> <p>17 Q. Toni, what's his last name?</p> <p>18 A. Toni is my sister.</p> <p>19 Q. So is it spelled T-O-N-I?</p> <p>20 A. T-O-N-I, yeah. Fritz. It's her</p> <p>21 husband's name.</p> <p>22 Q. Okay. And who's Nikki?</p> <p>23 A. Nikki is my sister, and her last</p> <p>24 name is the same, Atkins.</p> <p>25 Q. Okay. After the incident and</p>	<p style="text-align: right;">Page 132</p> <p>1 evidence that the purpose -- my question is about</p> <p>2 the purpose of the arrest was to retaliate</p> <p>3 against you for your speech?</p> <p>4 A. Yes, sir.</p> <p>5 Q. What evidence is that?</p> <p>6 A. This.</p> <p>7 Q. The affidavit of probable cause?</p> <p>8 A. Yes, sir.</p> <p>9 Q. Okay. And what exactly in the</p> <p>10 affidavit of probable cause leads you to believe</p> <p>11 that the purpose of the arrest was to retaliate</p> <p>12 against you for the content of your speech?</p> <p>13 A. The sworn sincerity, the truth of</p> <p>14 this that's not.</p> <p>15 Q. So you're saying that's untrue?</p> <p>16 A. Yes, sir.</p> <p>17 Q. My question is about the purpose.</p> <p>18 What evidence do you have that the purpose of</p> <p>19 that affidavit, assuming for the purposes of the</p> <p>20 deposition here that it was untrue, that the</p> <p>21 purpose was retaliatory?</p> <p>22 A. Because it's not true.</p> <p>23 Q. Okay. Other than that, do you</p> <p>24 have any other evidence?</p> <p>25 A. No, sir.</p>
<p style="text-align: right;">Page 131</p> <p>1 after you were released, did you require any</p> <p>2 medical attention from a doctor?</p> <p>3 A. No, sir.</p> <p>4 Q. Did you go to any doctor to get</p> <p>5 checked out to see if you were okay?</p> <p>6 A. No, sir.</p> <p>7 Q. Did you go to any psychologist or</p> <p>8 mental health counselor for counseling or mental</p> <p>9 health services after your arrest?</p> <p>10 A. No. I felt like I went to the</p> <p>11 Bible.</p> <p>12 Q. Okay. So you weren't treated by</p> <p>13 any medical professional?</p> <p>14 A. No, sir.</p> <p>15 Q. Okay. Do you have any evidence</p> <p>16 that the purpose of your arrest was to retaliate</p> <p>17 against you for speech that you were making?</p> <p>18 MR. READY: Object to form. You</p> <p>19 can answer.</p> <p>20 A. I have a video.</p> <p>21 Q. Which video?</p> <p>22 A. The YouTube video.</p> <p>23 Q. The Matt Wear video?</p> <p>24 A. Yes, sir.</p> <p>25 Q. Aside from that, do you have any</p>	<p style="text-align: right;">Page 133</p> <p>1 Q. Okay. Same thing with the video.</p> <p>2 What evidence do you have in relation to the</p> <p>3 video to suggest that the purpose of the arrest</p> <p>4 was retaliatory?</p> <p>5 A. Because they didn't like what I</p> <p>6 was saying.</p> <p>7 Q. How do you know that they didn't</p> <p>8 like what you were saying?</p> <p>9 A. Because I didn't even get to</p> <p>10 finish what I was saying.</p> <p>11 Q. How do you know that you didn't</p> <p>12 get to finish because they didn't like what you</p> <p>13 were saying?</p> <p>14 A. Because I was placed in</p> <p>15 handcuffs.</p> <p>16 Q. How do you know that you were</p> <p>17 placed in handcuffs because they didn't like what</p> <p>18 you were saying?</p> <p>19 A. Because when I started to say it,</p> <p>20 I was placed in handcuffs.</p> <p>21 Q. Is it the timing of the placement</p> <p>22 of handcuffs and what you were saying that leads</p> <p>23 you to believe that? I'm not trying to be</p> <p>24 difficult.</p> <p>25 A. I'm not trying to be difficult</p>

<p style="text-align: right;">Page 134</p> <p>1 with you. I feel like they didn't want me to say 2 what I wanted to say. 3 Q. Okay. 4 A. So they retaliated by arresting 5 me. 6 Q. Okay. And you're basing that on 7 the totality of the circumstances? 8 A. I'm basing it on the events that 9 took place there. 10 Q. Okay. And your interpretation as 11 to why? 12 A. Well, I wouldn't say it's 13 interpreting. It's what happened. 14 Q. Fair enough. Okay. My question 15 is more related to interpretation of their 16 intent, the officer's intent? 17 A. Their intent was to silence me. 18 Q. Did you ask any of the officers 19 if your intent was to silence -- if their intent 20 was to silence? 21 A. No, sir. 22 Q. And, again, I'm not trying to be 23 difficult, but you're interpreting their actions 24 as intent to silence you. Is that fair? 25 A. Well, their actions silenced me,</p>	<p style="text-align: right;">Page 136</p> <p>1 retaliatory and the disagreement with viewpoint? 2 A. Yes, sir. 3 Q. Okay. So your interpretation or 4 your view of the interactions leads you to 5 believe that? 6 A. It's not my interpretation. It's 7 what happened. Their actions made me feel that 8 way. 9 Q. Okay. You don't have any -- you 10 didn't ask Sergeant McClure if he arrested you 11 out of malice? 12 A. No, sir. 13 Q. And he didn't tell you that he 14 arrested you out of malice? 15 A. He said things that made me feel 16 that way. 17 Q. What things? 18 A. He said I'm embarrassing myself 19 and that he didn't care about why I was there, 20 and he didn't care about the Bible. 21 Q. Did he specifically say I don't 22 care about why you're here? 23 A. I believe so. Yes. 24 Q. Did he specifically say I don't 25 care about the Bible?</p>
<p style="text-align: right;">Page 135</p> <p>1 so I'm not interpreting it. 2 Q. I'm talking about the intent. 3 A. Their intent was to silence me. 4 Q. Based upon their actions? 5 A. Their actions, yes, sir. 6 Q. Okay. Okay. Do you believe that 7 the officers disagreed with your viewpoint that 8 you were trying to express? 9 A. Yes, sir. 10 Q. What leads you to believe that 11 they disagreed with your viewpoint? 12 A. Because they put me in handcuffs. 13 Q. So for the same reasons that we 14 just discussed about intent about retaliatory? 15 A. Yes, sir. 16 Q. Okay. One of the allegations in 17 your complaint is that you were -- there's a 18 malicious prosecution claim that you were 19 prosecuted maliciously. Do you have any evidence 20 or what evidence do you have that Sergeant 21 McClure acted maliciously or for a purpose other 22 than bringing you to justice in arresting you? 23 A. The video. 24 Q. Okay. And is it the same as what 25 you were talking about with the intent to be</p>	<p style="text-align: right;">Page 137</p> <p>1 A. I brought up a scripture to him, 2 and he said I don't care about that. 3 Q. And so you believe that he was 4 saying he doesn't care about the Bible based upon 5 that statement? 6 A. He didn't care about the 7 scripture I should have said. I'm sorry. 8 Q. He didn't care about the 9 scripture? 10 A. That I was saying, yeah. 11 Q. Might it be that he didn't care 12 about not what the scripture said but what you 13 were saying? 14 A. He said he didn't care about the 15 scripture. 16 Q. He said specifically I don't care 17 about the scripture? 18 A. I said, what about First 19 Corinthians, and he said, I don't care about 20 that, so, you know. 21 Q. That's your understanding? 22 A. Yes, sir. 23 Q. Okay. You raise an allegation 24 against the city that it failed to train its 25 police officers. Are you aware of that?</p>

<p style="text-align: right;">Page 138</p> <p>1 A. Yes, sir.</p> <p>2 Q. Okay. How did they fail to train</p> <p>3 their police officers?</p> <p>4 MR. READY: Object to form, but</p> <p>5 you can answer.</p> <p>6 A. Because I thought he was there to</p> <p>7 protect my rights as well.</p> <p>8 Q. And you're saying that he didn't</p> <p>9 protect your rights?</p> <p>10 A. He placed me in handcuffs.</p> <p>11 Q. I'm asking if he didn't --</p> <p>12 A. I don't feel like he did. No.</p> <p>13 Q. Okay.</p> <p>14 A. He might not have agreed with</p> <p>15 what I was saying, but I have a right to stand</p> <p>16 there and say it.</p> <p>17 Q. And you believe that that</p> <p>18 happened because he wasn't properly trained?</p> <p>19 A. I believe he wasn't trained on my</p> <p>20 rights. Yes, sir.</p> <p>21 Q. Okay.</p> <p>22 A. Because he didn't stick up for</p> <p>23 them.</p> <p>24 Q. Other than the fact that from</p> <p>25 what you're telling me that he didn't stick up</p>	<p style="text-align: right;">Page 140</p> <p>1 Q. Let me just get the question out</p> <p>2 because I need the record to be clear.</p> <p>3 Other than their actions, do you</p> <p>4 have any specific knowledge that the city failed</p> <p>5 to train its police officers?</p> <p>6 A. No, sir.</p> <p>7 Q. Okay. Have you been ostracized</p> <p>8 by any community because of your involvement in</p> <p>9 the events on June 3rd, 2023?</p> <p>10 A. Well, I feel like the community</p> <p>11 is my community, and I just hope they didn't get</p> <p>12 the wrong impression on why I was there. Like, I</p> <p>13 don't even like saying the LGBTQ community</p> <p>14 because I feel like they're my brothers and</p> <p>15 sisters, so I don't -- I didn't specifically hear</p> <p>16 from anyone, but I just hope it didn't make it</p> <p>17 look like I was there to disrespect the police,</p> <p>18 Reading or the event that was going on. And</p> <p>19 before I stopped reading the comments, I can tell</p> <p>20 they didn't understand why I was there.</p> <p>21 Q. Who's "they"? The people that</p> <p>22 were commenting on the YouTube channel?</p> <p>23 A. Yeah. Yeah. Like, they thought</p> <p>24 I was there to get views or to be aggressive</p> <p>25 towards people, and I wasn't. I didn't say</p>
<p style="text-align: right;">Page 139</p> <p>1 for your rights, do you have any other evidence</p> <p>2 that he wasn't properly trained?</p> <p>3 A. The other two officers weren't</p> <p>4 properly trained either because they didn't even</p> <p>5 say anything. They just watched him violate my</p> <p>6 rights.</p> <p>7 Q. Okay. Do you think that they</p> <p>8 should have said something?</p> <p>9 A. If you were trained on rights,</p> <p>10 wouldn't you think that you would stick up for</p> <p>11 them?</p> <p>12 Q. Okay. So what I'm trying to</p> <p>13 understand, based upon their actions, you assume</p> <p>14 they weren't trained?</p> <p>15 A. Based upon their actions, they</p> <p>16 weren't trained. I felt they weren't. I didn't</p> <p>17 assume. They showed me by their actions that</p> <p>18 they didn't care about my First Amendment right.</p> <p>19 Q. Do you have any specific</p> <p>20 knowledge about the training that the City of</p> <p>21 Reading provided to its police officers?</p> <p>22 A. Their actions.</p> <p>23 Q. Other than actions of the</p> <p>24 officers, do you have any specific knowledge --</p> <p>25 A. No, sir. No.</p>	<p style="text-align: right;">Page 141</p> <p>1 anything to anyone across the street. I started</p> <p>2 quoting the Bible verse.</p> <p>3 Q. Did you see any comments on</p> <p>4 either of the YouTube channels or any of the</p> <p>5 digital articles that were supportive of you?</p> <p>6 A. I saw both until I saw, like I</p> <p>7 said, the one comment. It felt like they punched</p> <p>8 me in the stomach, and that's when I decided I</p> <p>9 can't look at these comments anymore, and now I</p> <p>10 can't see comments on my YouTube channel.</p> <p>11 Q. Did you have to hire a criminal</p> <p>12 defense attorney after the arrest?</p> <p>13 A. One said they would represent me</p> <p>14 free of charge.</p> <p>15 Q. You didn't pay anybody for</p> <p>16 helping --</p> <p>17 A. No, because the charges got</p> <p>18 dropped.</p> <p>19 Q. How quickly were the charges</p> <p>20 dropped?</p> <p>21 A. It seemed pretty quick. I don't</p> <p>22 remember, like, exactly time, but it was way</p> <p>23 before my court date. Do you want to take a</p> <p>24 break and get some water or something?</p> <p>25 MR. CONLEY: Let's go off the</p>

<p style="text-align: right;">Page 142</p> <p>1 record.</p> <p>2 (A short break was taken.)</p> <p>3 BY MR. CONLEY:</p> <p>4 Q. Some more general questions.</p> <p>5 Aside from your lawyer, have you talked to</p> <p>6 anybody about this incident?</p> <p>7 A. Yes.</p> <p>8 Q. Who have you talked to?</p> <p>9 A. Well, I talked to the guy from</p> <p>10 Lancaster Patriot. I talked to Brother Jose. I</p> <p>11 talked to WFMZ 69. I've talked to my friends and</p> <p>12 family about it.</p> <p>13 Q. Have you talked --</p> <p>14 A. I'm not trying to not mention</p> <p>15 anyone if I make a mistake, but like I said,</p> <p>16 there was -- so many people were texting and</p> <p>17 calling me, and anyone that wanted to talk about</p> <p>18 it, I at first wanted to talk about it.</p> <p>19 Q. I'm not going to hold you to it</p> <p>20 that the names you gave me were an exhaustive</p> <p>21 list. You spoke to a lot of people --</p> <p>22 A. Yes, sir.</p> <p>23 Q. -- about the incident?</p> <p>24 A. Yes, sir.</p> <p>25 Q. Have you spoken to anyone about</p>	<p style="text-align: right;">Page 144</p> <p>1 He said he was going to pray for me.</p> <p>2 Q. I'm going to show you a document</p> <p>3 that I'm going to have marked as Atkins-4.</p> <p>4 (A document was marked for</p> <p>5 identification as Atkins Exhibit No. 4.)</p> <p>6 BY MR. CONLEY:</p> <p>7 Q. I've shown you a document which</p> <p>8 we've marked as Atkins-4, and it's titled</p> <p>9 plaintiff's responses to defendants' first set of</p> <p>10 interrogatories. Do you see that title?</p> <p>11 A. Yes, sir.</p> <p>12 Q. Have you ever seen this document</p> <p>13 before?</p> <p>14 A. I remember the questions. I</p> <p>15 haven't seen this document, though. No, sir.</p> <p>16 Q. So you remember being asked</p> <p>17 questions in written form that you had to respond</p> <p>18 to with the help of your counsel?</p> <p>19 A. Yes, sir.</p> <p>20 Q. Okay. I don't want to know</p> <p>21 anything about what you discussed with your</p> <p>22 counsel when asking questions about these. Is</p> <p>23 that fair?</p> <p>24 A. Yes, sir.</p> <p>25 Q. So on page 3, do you see</p>
<p style="text-align: right;">Page 143</p> <p>1 the lawsuit? Do you understand the difference</p> <p>2 that I'm asking?</p> <p>3 A. Yes.</p> <p>4 Q. Who have you spoken to, other</p> <p>5 than your counsel, about the lawsuit?</p> <p>6 A. Well, Brother Jose asked me about</p> <p>7 it. My sisters asked me about it. My friend</p> <p>8 Brian asked me about it. I think Lancaster</p> <p>9 Patriot asked me as well. They asked me if I had</p> <p>10 counsel, if I needed help, if I needed anything</p> <p>11 to let them know.</p> <p>12 Q. Did they all ask similar</p> <p>13 questions?</p> <p>14 A. Pretty much. Yeah.</p> <p>15 Q. Okay. Did anybody ask you why</p> <p>16 you filed the lawsuit?</p> <p>17 A. One time I was street preaching,</p> <p>18 and a stranger passed me by and said he</p> <p>19 recognized me, and he asked me if I was going to,</p> <p>20 and I said, yeah. He said, why?</p> <p>21 Q. If you were going to file a</p> <p>22 lawsuit?</p> <p>23 A. Yes, sir.</p> <p>24 Q. That was just a random person?</p> <p>25 A. Yeah. I didn't know who he was.</p>	<p style="text-align: right;">Page 145</p> <p>1 interrogatory number 4? It's the one that starts</p> <p>2 with four and then asks you to please identify</p> <p>3 with specificity. Do you see that?</p> <p>4 A. Yes, sir.</p> <p>5 Q. Can you read that whole paragraph</p> <p>6 to yourself?</p> <p>7 A. Okay.</p> <p>8 Q. Did you read both the request and</p> <p>9 the answer or just the request?</p> <p>10 A. I read the answer.</p> <p>11 Q. Okay. I'm going to direct you to</p> <p>12 the request where it starts with four where it</p> <p>13 says: Please identify with specificity -- I'll</p> <p>14 just read it.</p> <p>15 Please identify with specificity</p> <p>16 any and all damages which you contend were</p> <p>17 suffered as a result of this incident, including,</p> <p>18 but not limited to, damage or injury to person(s)</p> <p>19 or reputation. Describe in detail how these</p> <p>20 damages were calculated and attach to the</p> <p>21 accompanying defendants' request for production</p> <p>22 of documents any and all documents which support</p> <p>23 these allegations?</p> <p>24 In your answer to that, the</p> <p>25 answer reads: To the best of plaintiff's</p>

<p style="text-align: right;">Page 146</p> <p>1 knowledge and information at this time, which is 2 subject to investigation, plaintiff has not 3 determined that he suffered any pecuniary loss as 4 a result of this incident. 5 Do you see that? 6 A. Yes, sir. 7 Q. Since the time that these answers 8 were provided, and I'll represent to you that 9 they were sent to me on January 15, 2024, have 10 you determined that you've suffered any pecuniary 11 loss? 12 A. This answer I feel like is since 13 then -- I still feel the same way is the answer. 14 Q. You don't feel that you've had 15 any monetary damages? 16 A. No, sir. 17 Q. You haven't lost any money out of 18 your pocket? 19 A. No, sir. 20 Q. You haven't had to pay any bills 21 or anything like that that you otherwise wouldn't 22 have to pay? 23 A. No, sir. 24 Q. Have you earned any money because 25 of this incident?</p>	<p style="text-align: right;">Page 148</p> <p>1 reputational harm. I want to ask you about 2 emotional distress. What type of emotional 3 distress have you suffered? 4 A. Well, just the whole situation, 5 and now I'm weary when I'm street preaching if 6 I'm going to have another encounter with the 7 police. My name is now attached to companies 8 selling T-shirts saying they're the official 9 shirt of Damon Atkins, and that does not feel 10 good. 11 Q. Have you contacted any of those 12 companies -- 13 A. There's so many of them. No. 14 Q. Okay. Again, just wait for my 15 question. 16 A. I'm sorry. 17 Q. Have you contacted any of those 18 companies to have them stop selling or promoting 19 those T-shirts? 20 A. No, sir. 21 Q. You say there's more than one? 22 A. Yeah. I wanted to, but then when 23 I clicked on the site, I saw things that were not 24 okay. So I just exited off, and I kind of feel 25 at this point it is what it is.</p>
<p style="text-align: right;">Page 147</p> <p>1 A. No, sir. 2 Q. Did any of the news interviews 3 pay you? 4 A. No, sir. Nor would I want to be 5 paid. 6 Q. Did they offer to pay you? 7 A. No, sir. 8 Q. Did anybody offer to hire you as 9 a consultant or anything like that after the 10 incident? 11 A. No. I received calls and letters 12 from lawyers saying they would represent me for 13 free, but no, sir. 14 Q. Okay. Other than from a lawyer, 15 you didn't receive any offers? 16 A. No, sir. 17 Q. The next line of the answer to 18 interrogatory number four reads: Rather, 19 plaintiff has suffered nonpecuniary loss as a 20 result of the incident in an amount to be 21 determined at trial, which is in the nature of 22 emotional distress, anguish, humiliation, loss of 23 liberty, violation of constitutional rights and 24 reputational harm. 25 I think I've gone through</p>	<p style="text-align: right;">Page 149</p> <p>1 Q. What do you mean by you saw 2 things that weren't okay? 3 A. They're selling things that are 4 inappropriate to me, so I just got off the 5 website. Instead of trying to scroll down and 6 find where you can send them an email, I just saw 7 inappropriate things, and I just got off the 8 website. 9 Q. I don't want to make you 10 uncomfortable, but I'm trying to understand what 11 you mean by inappropriate things? 12 A. Just in my -- just things that I 13 didn't want to see my name attached to. 14 Q. Like what? 15 A. Like, T-shirts and ungodly 16 things. 17 Q. What was an ungodly thing that 18 your name was attached to? 19 A. My name is attached to the 20 company, and the company is selling those things. 21 Q. And you're saying it's ungodly 22 that they're using your name without your 23 permission? 24 A. No. That's not ungodly. What's 25 ungodly is my name being attached to that</p>

<p style="text-align: right;">Page 150</p> <p>1 company. It makes me feel like if someone were 2 to see that, it looks like I'm a representative 3 of that company, and that's not true. And I 4 never wanted it to be that way. 5 Q. Do you disagree with the beliefs 6 or mission of that company? 7 A. Some of them, yes, sir. 8 Q. Can you explain to me what those 9 beliefs are that you disagree with? I'm just 10 trying to understand this. 11 A. Yeah. I just felt uncomfortable 12 when I went to their website. 13 Q. Were they, like, websites that 14 were promoting some, like, lewd or lascivious 15 behavior? 16 A. Well, both, yeah, and selling 17 T-shirts at the same time. 18 Q. Was it, like, pornography? 19 A. It was -- it just made me 20 uncomfortable. 21 Q. Okay. Yes or no, was it 22 pornography? 23 A. I didn't see that, but what I saw 24 was uncomfortable to me. 25 Q. Okay. Was it --</p>	<p style="text-align: right;">Page 152</p> <p>1 A. Because that's what created this 2 video. 3 Q. The police officer didn't create 4 the video. Somebody else did. 5 A. But him taking away my rights 6 created the video. 7 Q. Okay. I'm trying to understand. 8 Did he have any intent for your name to get on 9 T-shirts by arresting you? 10 A. I feel like he didn't not have 11 the intent. 12 Q. What does that mean, he didn't 13 not have the intent? 14 A. Because he just disregarded my 15 rights. It's like he didn't even think about 16 what was going to happen when he did that. 17 Q. Other than the fact of the 18 arrest, is there anything else that would connect 19 the officer to the T-shirts? 20 A. No, sir. 21 Q. So we talked about you being 22 weary of police officers and these T-shirts. Has 23 your feeling of weariness of police officers at 24 other street preaching incidents or events caused 25 you not to street preach?</p>
<p style="text-align: right;">Page 151</p> <p>1 MR. CONLEY: Can we go off the 2 record here? 3 (A discussion was held off the 4 record.) 5 MR. READY: Can you just explain, 6 what were those other products that the 7 companies were selling that were ungodly? 8 THE WITNESS: Like, T-shirts with 9 slogans on them that I didn't -- I didn't 10 want to be a part of, and I feel that I'm 11 a part of that now, and it doesn't feel 12 good. 13 BY MR. CONLEY: 14 Q. Okay. Did any of the defendants 15 named in this lawsuit have anything to do with 16 those companies putting your name on T-shirts? 17 A. Yes. The officer. 18 Q. He had something to do with 19 companies putting your name on T-shirts? 20 A. I feel, yes. 21 Q. How so? 22 A. By arresting me. 23 Q. Okay. By the simple fact of 24 arresting you, he had some sort of involvement 25 with these companies?</p>	<p style="text-align: right;">Page 153</p> <p>1 A. It's definitely caused me to 2 hesitate. I haven't done it as much as I 3 normally would, and I don't feel the same way I 4 did before this incident happened. 5 Q. What does that mean you don't 6 feel the same way? 7 A. I felt -- I felt like I was -- I 8 had a right to do it, and now I don't -- I feel 9 like that right can be taken away. 10 Q. But you have street preached 11 after this incident? 12 A. Yes, sir. 13 Q. Anguish comes after emotional 14 distress in your answer to interrogatory number 15 four. What kind of anguish have you suffered? 16 A. Anguish meaning, like, anxiety? 17 Q. I don't know. This is your 18 response. 19 A. Just, like, the whole thing. I 20 don't -- I didn't want this to happen. I didn't 21 want to take off work today and tell my boss that 22 I needed off. I didn't want to answer those 23 questions. I just -- the whole thing. This 24 isn't something I wanted to do. 25 Q. What did you tell your boss when</p>

<p style="text-align: right;">Page 154</p> <p>1 you took off today?</p> <p>2 A. That I needed off. I had a</p> <p>3 deposition. I had an appointment I said to her,</p> <p>4 but she looked at me like, already? You already</p> <p>5 need off? But what was I going to do?</p> <p>6 Q. Did you tell her specifically it</p> <p>7 was for a deposition?</p> <p>8 A. No, sir.</p> <p>9 Q. Okay.</p> <p>10 A. Because I didn't -- I don't know.</p> <p>11 Something -- I just told her I had an</p> <p>12 appointment. I was scheduled and then she</p> <p>13 crossed it off, and it just -- I didn't feel</p> <p>14 right about it. And then all last night and</p> <p>15 yesterday, my hands are sweaty. I'm anxious. I</p> <p>16 don't -- I don't know if this has happened to</p> <p>17 someone else. I don't know. It's anxiety, I</p> <p>18 feel like.</p> <p>19 Q. So you felt this last night?</p> <p>20 A. The day before, yeah. I felt it</p> <p>21 since this happened, but last night was tough.</p> <p>22 Q. Was it related to the fact that</p> <p>23 you were going to have to --</p> <p>24 A. Yeah.</p> <p>25 Q. -- provide answers in a</p>	<p style="text-align: right;">Page 156</p> <p>1 and said I'm the official spokesperson of them.</p> <p>2 I'm humiliated by the affidavit which isn't true.</p> <p>3 I'm humiliated by the statement that's on Fox</p> <p>4 News that says I was there for an hour before</p> <p>5 yelling back and forth across the street</p> <p>6 antagonizing them and there's more to the story.</p> <p>7 It just makes me feel humiliated because it's not</p> <p>8 true.</p> <p>9 Q. Has anybody specifically</p> <p>10 addressed you -- other than looking at those</p> <p>11 comments, have they addressed you in person in a</p> <p>12 manner that made you feel humiliated?</p> <p>13 A. No, sir.</p> <p>14 Q. Almost done. I'm just going to</p> <p>15 go back briefly. I believe I forgot to ask this</p> <p>16 question. In your complaint you allege that any</p> <p>17 sexual conduct outside of marriage between one</p> <p>18 man and one woman is sin?</p> <p>19 A. Yes, sir.</p> <p>20 Q. And we spoke about that, right?</p> <p>21 Do you know anybody that's engaged in sexual</p> <p>22 conduct outside of marriage?</p> <p>23 A. No, sir.</p> <p>24 Q. You don't know anybody that's</p> <p>25 done that?</p>
<p style="text-align: right;">Page 155</p> <p>1 deposition today?</p> <p>2 A. Well, I've never done this</p> <p>3 before, so I don't know what -- but I'll answer</p> <p>4 anything to the best of my ability. It's not the</p> <p>5 questions that make me anxious. It's this whole</p> <p>6 process.</p> <p>7 Q. To be fair, if you didn't file a</p> <p>8 lawsuit, you wouldn't have to give a deposition?</p> <p>9 A. Well, to be fair, if my rights</p> <p>10 weren't violated, I wouldn't have had to file a</p> <p>11 lawsuit.</p> <p>12 Q. Other than the anxiety -- with</p> <p>13 regard to the anxiety, what, if any, treatment</p> <p>14 have you received relating to anxiety?</p> <p>15 A. The Bible.</p> <p>16 Q. Any medical treatment or</p> <p>17 psychological treatment?</p> <p>18 A. No, sir.</p> <p>19 Q. Humiliation is the next one. I'm</p> <p>20 trying to go through these a little faster. How</p> <p>21 did you feel humiliated?</p> <p>22 A. Well, because of the reaction.</p> <p>23 There's reaction videos of me, and people are</p> <p>24 laughing at me saying good that I got arrested.</p> <p>25 I'm humiliated by the companies that take my name</p>	<p style="text-align: right;">Page 157</p> <p>1 A. Well, I try not to -- if they</p> <p>2 don't want to talk to me about it, I don't -- you</p> <p>3 know, I don't think my sisters are. We haven't</p> <p>4 talked about it. They could be. I think my</p> <p>5 friend Sara might be, but I don't really -- I</p> <p>6 just ask her if she's read the Bible.</p> <p>7 Q. In paragraph 22 of the complaint,</p> <p>8 you made a statement that sinners are not</p> <p>9 forgiven from sin unless they're born again.</p> <p>10 What's the -- I want to understand how that</p> <p>11 affects you if other people are not forgiven for</p> <p>12 their sins?</p> <p>13 A. Because I'm worried and I care</p> <p>14 about them and they're my family, and everyone</p> <p>15 across the street on my side and their side I</p> <p>16 look at as my family, and I just want to help</p> <p>17 people, and that's what I was there to try to do</p> <p>18 that day, to talk to someone.</p> <p>19 The Bible says when Jesus</p> <p>20 returns, there's going to be weeping and gnashing</p> <p>21 of teeth, and that worries me, and I'm living</p> <p>22 proof that what I did not only works, it changed</p> <p>23 my life, and I stumbled upon it. It's like</p> <p>24 finding a place that's pouring out gold. You</p> <p>25 want to go tell everyone you can because you</p>

<p style="text-align: right;">Page 158</p> <p>1 found this place that pours out gold. I did not 2 expect this to happen when I started reading the 3 Bible. It did. 4 Q. Okay. Thank you for that. So I 5 guess from that, would you want all sinners to be 6 forgiven? 7 A. Everyone. 8 Q. Everyone? 9 A. Everyone can be. 10 Q. Okay. 11 A. That's the main reason why I want 12 to tell people. Sometimes I feel like it's like 13 walking past someone's house that's on fire, and 14 they're upstairs asleep. I have -- I kind of 15 feel like I should knock on the door and tell 16 them. 17 Q. Returning to Exhibit-4, the 18 interrogatories, if you could turn to page 6 and 19 look at number 11. Do you see that? 20 A. Yes. 21 Q. So what people do you intend to 22 call as witnesses if this matter goes to trial? 23 MR. READY: I'm just going to 24 object to the form. That's really a 25 question for counsel, but you can answer</p>	<p style="text-align: right;">Page 160</p> <p>1 A. Well, the reason I said it was 2 because I feel like the rich man wants someone to 3 go out and warn them. So not necessarily, like, 4 they're cheering for me, but they want someone to 5 be warned. 6 Q. Who wanted somebody to be warned? 7 A. The people who are in hell. 8 Q. And who are those people? 9 A. Whoever didn't know Jesus Christ 10 of Nazareth. 11 Q. Are you saying that there were 12 people in hell that agreed with the pride rally 13 that were saying that? 14 A. No. I meant whoever is down 15 there. When you go to hell, it's not going to 16 matter what you represent. 17 Q. And so those people that are 18 cheering, they're not cheering for the pride 19 rally. They're cheering for what you were 20 saying? 21 A. I feel like I was nervous when I 22 was talking to him. I wouldn't probably say that 23 now again because that's another thing, that 24 because it was recorded, it doesn't -- it doesn't 25 make me feel good. I was mixed up.</p>
<p style="text-align: right;">Page 159</p> <p>1 subject to that, if you can. 2 A. I just would like to call the 3 witness of the video. 4 Q. Matt Wear. Is that who you're 5 talking about? 6 A. No. Just the video itself. 7 Q. I'm talking about individuals, 8 people? 9 A. No. I don't have anyone. 10 Q. Okay. Do you recall saying to 11 Sergeant McClure, quote: You know who is 12 cheering for this? The people that are in hell? 13 A. Yes, sir. 14 Q. What did you mean by that? 15 A. I was referring to the story in 16 the Bible of the rich man and Lazarus. The rich 17 man is in hell, and he had everything on this 18 Earth, and he did whatever he wanted, and all he 19 wanted was a drop of water, and he said, please 20 send someone to warn them so that they don't come 21 to this place of torment. 22 Q. Are you saying that the people 23 that were cheering are those that are cheering to 24 have someone sent to relieve them of their 25 torment?</p>	<p style="text-align: right;">Page 161</p> <p>1 What I was trying to say was, do 2 you know who wants us to be here? The people who 3 are in hell, but it came out as, do you know who 4 is cheering for us? So it almost looks like I'm 5 saying the people that are in hell are cheering 6 for us, which doesn't really make any sense, but 7 I was so anxious when I first saw him, I kind of 8 wish I would have calmed down myself and been 9 more talkative, but I just -- I went up, and I 10 didn't -- I've never experienced a police 11 interaction like that before, so I didn't have 12 practice in dealing with it. 13 Q. Okay. So it might be taken out 14 of context, what's in the video. You weren't 15 necessarily meaning that anybody that was in the 16 vicinity was in hell? 17 A. No. 18 Q. You were trying to relate it to a 19 Bible passage? 20 A. Yeah. That's where it came from. 21 What I was thinking of when I thought of that was 22 the rich man and Lazarus, and Lazarus is asking 23 if someone can be sent to warn them not to come 24 to this place, and that's pretty much what I feel 25 like I was doing.</p>

<p style="text-align: right;">Page 162</p> <p>1 And keep in mind, I'll put anyone 2 across that street in my house. It doesn't 3 matter what you're doing or what you've done. If 4 you're hungry, I'll get you something to eat, and 5 I want to help you read the Bible. It doesn't 6 matter to me who you are or where you're from. 7 The ultimate goal is I want to sit with you and 8 read the Bible. That's why I was there. 9 Q. I'm going to try to show you a 10 video. Hopefully it works. Can you see this? 11 A. Yes, sir. 12 Q. I'm going to represent to you 13 that this is a video on YouTube that is a CBN 14 News posting title Man Arrested at Pride Event -- 15 at a PA Pride Event. And I'll try to find the 16 date. It was posted on June 6, 2023. I'm going 17 to play a little bit and then I'll ask you some 18 questions. 19 (Video being played.) 20 Q. I'm going to pause it right 21 there. We're paused at 20 seconds into the 22 video. Do you recognize this video? 23 A. Yes, sir. 24 Q. Have you seen it in its entirety 25 before?</p>	<p style="text-align: right;">Page 164</p> <p>1 jump -- I'm going to start here at 2:34. 2 (Video being played.) 3 Q. I stopped it at three minutes 4 into the video. Did you hear the portion of your 5 statements on the interview where you said that 6 you are aggressive towards sin? 7 A. Yes. 8 Q. What do you mean by that? 9 A. Once again, at that time, it's 10 three days later, and sometimes what I want to 11 say, that's the tricky thing about videos because 12 once you -- it's there. You can't go back and 13 fix it. I don't know why. 14 I said that because I felt that 15 he was taking it as that I was being aggressive 16 towards them, so then what followed after I said 17 I wasn't there to be aggressive towards them, I'm 18 aggressive towards sin, but I'm not really 19 aggressive towards it. Like, I don't want to 20 push people away or make you feel 'cause you're a 21 sinner. I'm not better than you. I just want to 22 help people, but I feel like at that time I 23 misspoke again. 24 And this is another reason why I 25 didn't want to do these after they were done</p>
<p style="text-align: right;">Page 163</p> <p>1 A. Yes, sir. 2 Q. Who's the man that is 3 interviewing you? 4 A. I'm not sure. 5 Q. You don't know his name? 6 A. He told me his name, but I forget 7 it. 8 Q. Was his name Chris? 9 A. I'm not sure. 10 Q. Okay. 11 MR. READY: May have been Dan 12 Andros. 13 THE WITNESS: That's his name. 14 Chris was from the Lancaster Patriot, I 15 think. See, that's what I'm saying, 16 stuff just gets, like, mixed up in my 17 head. 18 BY MR. CONLEY: 19 Q. I'm going to ask you some 20 specific questions about this. I'm not going to 21 make you watch the entire thing. I'm going to 22 jump around a bit. If you feel like you want to 23 watch the entire thing -- 24 A. I've seen it. I don't need to. 25 Q. -- for context. So I'm going to</p>	<p style="text-align: right;">Page 165</p> <p>1 because after I watched this I didn't feel good 2 about it, so I shouldn't have done this. If they 3 called me, I thought I was helping, and it seemed 4 like I just made it worse. So that's why after I 5 talked to him, I haven't done anything. I don't 6 want to talk about it to anyone. 7 I don't want to do an interview 8 because it kind of -- it, like, manipulates it, I 9 feel like. So I was saying that I felt like they 10 thought I was there to be aggressive towards 11 them, and I'm not aggressive towards them. 12 I should -- I don't even like 13 that word, I'm aggressive towards sin, but I'm 14 not -- I'm not okay, honestly, if you're living 15 in sin because I'm worried for you because what 16 if I never see you again and I had a chance to 17 warn you about it, but I didn't take that 18 opportunity. 19 Q. Are you all right? 20 A. Yeah. Thank you. How can I 21 spend an eternity in peace knowing that you're in 22 trouble, and that's how I feel about every single 23 one of them. 24 Q. I'm sorry. When you're pointing, 25 are you pointing to the people that are in the</p>

<p style="text-align: right;">Page 166</p> <p>1 pride celebration?</p> <p>2 A. Across the street and the guys</p> <p>3 next to me if they came to me and talked to me.</p> <p>4 You guys I'm worried about. Him, I'm worried</p> <p>5 about. Everyone. Anyone I look at I hope</p> <p>6 they're okay because I have a feeling on that day</p> <p>7 it's going to be a problem, and I don't want</p> <p>8 anyone to go through that.</p> <p>9 So I'm not quite sure why I said</p> <p>10 that. I just wanted him to know I wasn't</p> <p>11 aggressive towards the other people, but maybe</p> <p>12 looking back I feel like I wanted to say I'm</p> <p>13 aggressive towards people reading the Bible.</p> <p>14 Like, I'm aggressively trying to help them is</p> <p>15 more like how I felt, but that's why I'm glad I</p> <p>16 reached out to him because once you put a video</p> <p>17 out, what's it? 1.7 million. That's a lot of</p> <p>18 people that might misunderstood what I said.</p> <p>19 It's not a good feeling.</p> <p>20 I didn't want none of this to</p> <p>21 happen. I didn't. That's why I didn't have a</p> <p>22 camera guy with me. I didn't have a GoPro that</p> <p>23 was filming. When I stepped on that street I had</p> <p>24 no video recording because I don't want to be in</p> <p>25 this kind of spot.</p>	<p style="text-align: right;">Page 168</p> <p>1 They just said if you need anything, you know,</p> <p>2 let us know. And then I had lawyers sending me</p> <p>3 letters saying that I'll represent you for free,</p> <p>4 and here's my contact information.</p> <p>5 Q. All right. We've already talked</p> <p>6 about that, so I don't want to beat a dead horse.</p> <p>7 You also said that you've received nothing but an</p> <p>8 outpouring of love and support in the portion of</p> <p>9 that video. Did you see hear that?</p> <p>10 A. Yes, sir.</p> <p>11 Q. I know that you've said that</p> <p>12 you've also read some negative comments about</p> <p>13 you?</p> <p>14 A. Yes, sir.</p> <p>15 Q. At that time had you read any of</p> <p>16 those negative comments?</p> <p>17 A. No.</p> <p>18 Q. And can you describe to me the</p> <p>19 outpouring of love and support that you were</p> <p>20 talking about at the time of this interview?</p> <p>21 A. It was from the people that were,</p> <p>22 like, around me. Brother Jose. Chris I thought</p> <p>23 was really nice that he offered to help me out.</p> <p>24 My sisters. It sounds like I'm saying more, but</p> <p>25 it was just a few people.</p>
<p style="text-align: right;">Page 167</p> <p>1 Q. Do you want to take a little</p> <p>2 break?</p> <p>3 A. No. I'm okay.</p> <p>4 MR. READY: We'll take a break.</p> <p>5 Say, a two-minute break and come back.</p> <p>6 How's that?</p> <p>7 (A short break was taken.)</p> <p>8 BY MR. CONLEY:</p> <p>9 Q. One other topic. I'm going to</p> <p>10 start it up here at 6:53, so I've jumped ahead.</p> <p>11 (Video being played.)</p> <p>12 Q. A couple things. Brother Matthew</p> <p>13 is Matthew Wear?</p> <p>14 A. Yes, sir.</p> <p>15 Q. And Brother Chris is the guy we</p> <p>16 don't know his last name from the Lancaster</p> <p>17 Patriot?</p> <p>18 A. Yes, sir.</p> <p>19 Q. And you indicated there that</p> <p>20 you've got brothers in Christ that are helping</p> <p>21 you. Are you talking about offers of legal help</p> <p>22 or are you talking about other type of help?</p> <p>23 A. Yeah. Basically, I was talking</p> <p>24 about Matt and Chris that wanted to make sure</p> <p>25 that I had legal for the criminal part of it.</p>	<p style="text-align: right;">Page 169</p> <p>1 But it just felt like a lot</p> <p>2 because there was so much going on. People were</p> <p>3 texting and calling, and people wanted to sit and</p> <p>4 talk with me. It just -- it felt like the people</p> <p>5 that were surrounding me were trying to help me.</p> <p>6 Q. Had you ever done a news</p> <p>7 interview before?</p> <p>8 A. No, sir.</p> <p>9 Q. That was your first time?</p> <p>10 A. Yes, sir.</p> <p>11 Q. Did you do any prep with the</p> <p>12 interviewer, Dan Andros, before the interview?</p> <p>13 A. No, sir.</p> <p>14 Q. Did he tell you what he might ask</p> <p>15 you about?</p> <p>16 A. No, sir.</p> <p>17 Q. Okay. That's all I have on the</p> <p>18 video. Thank you.</p> <p>19 I wanted to ask you about your</p> <p>20 cell phone. I know we brought that up earlier.</p> <p>21 Is it on and working? Would you mind grabbing</p> <p>22 it? So I guess a couple of things. Do you have</p> <p>23 any contact information for Dan Andros and/or</p> <p>24 Matt Wear?</p> <p>25 A. No. Can I show you my contacts?</p>

<p style="text-align: right;">Page 170</p> <p>1 Q. Sure. Is that the complete list?</p> <p>2 A. Yes. Remember how I said I kind</p> <p>3 of -- once in a while I wipe it out.</p> <p>4 Q. So you do have Brother Jose on</p> <p>5 there?</p> <p>6 A. Yes.</p> <p>7 Q. Got you. Thank you.</p> <p>8 A. Yep.</p> <p>9 Q. Have you changed that contact</p> <p>10 list or deleted anything from that contact list</p> <p>11 in the last -- from the filing of your lawsuit?</p> <p>12 A. Yes.</p> <p>13 Q. You have?</p> <p>14 A. Yes.</p> <p>15 Q. When did you delete information</p> <p>16 from the contact list?</p> <p>17 A. Two days ago I deleted all my</p> <p>18 sisters and then they reached out to me, and I</p> <p>19 put them back in there.</p> <p>20 Q. Why did you delete your sisters</p> <p>21 two days ago?</p> <p>22 A. Why?</p> <p>23 Q. Yeah.</p> <p>24 A. Because I felt like I was trying</p> <p>25 to help them, but there's, like, resistance</p>	<p style="text-align: right;">Page 172</p> <p>1 Q. I'm going to ask you to look at</p> <p>2 your text messages. Do you have any text</p> <p>3 messages from Matt Wear?</p> <p>4 A. No. Can I show you?</p> <p>5 Q. Yes. Those are the only text</p> <p>6 messages you have?</p> <p>7 A. Yes, sir.</p> <p>8 Q. You got one from Erica and one</p> <p>9 from Sara?</p> <p>10 A. Yes, sir.</p> <p>11 Q. Okay. It looks like those were</p> <p>12 sent today. Is that correct?</p> <p>13 A. Yeah. I shut my phone off when I</p> <p>14 came in here till you asked me to turn it on.</p> <p>15 Q. Got you. Have you deleted text</p> <p>16 messages since the filing of this lawsuit?</p> <p>17 A. Yes, sir.</p> <p>18 Q. When did you do that?</p> <p>19 A. Every day.</p> <p>20 Q. You delete text messages every</p> <p>21 day?</p> <p>22 A. I try to, yeah.</p> <p>23 Q. So suffice it to say, you would</p> <p>24 not have any text messages from Matthew Wear</p> <p>25 either before or after the lawsuit?</p>
<p style="text-align: right;">Page 171</p> <p>1 there. I get, like, frustrated and so that's why</p> <p>2 I do that because I feel like if you're in my</p> <p>3 life, then you're going to come back to my</p> <p>4 contacts anyway.</p> <p>5 Q. So you felt frustrated that they</p> <p>6 weren't -- that they were resisting your</p> <p>7 evangelizing?</p> <p>8 A. Not so much that. Even my help,</p> <p>9 like, outside of the Bible. They have children</p> <p>10 that are -- there's stuff going on in their life,</p> <p>11 and I feel like when they tell me that, that</p> <p>12 stuff stays with me, and they might not realize</p> <p>13 that. So sometimes I feel like it's better that</p> <p>14 I don't talk to them because they're not aware of</p> <p>15 what's happening when they're not talking to me.</p> <p>16 And then if I try to help them</p> <p>17 and they don't want to do something about it,</p> <p>18 then I'm stuck feeling sad and upset, and I feel</p> <p>19 like they just want someone to talk to, but now</p> <p>20 they're back in there, and we're doing good.</p> <p>21 It's a family, you know, so...</p> <p>22 Q. I don't want to delve into</p> <p>23 your -- have your family relationships been</p> <p>24 negatively affected by this lawsuit?</p> <p>25 A. No, sir.</p>	<p style="text-align: right;">Page 173</p> <p>1 A. No, sir.</p> <p>2 Q. You didn't save them or download</p> <p>3 them on your computer?</p> <p>4 A. I didn't think to. No, sir.</p> <p>5 Q. Have you ever updated that phone</p> <p>6 onto your computer?</p> <p>7 A. No, sir.</p> <p>8 Q. And it's an Android phone, right?</p> <p>9 A. I believe so. Yeah. Yes, sir.</p> <p>10 Q. It's not an Apple. Okay. What</p> <p>11 service provider is your cell phone?</p> <p>12 A. Comcast.</p> <p>13 Q. Same question. You don't have</p> <p>14 any text messages from Dan Andros?</p> <p>15 A. No, sir. He text me, but I</p> <p>16 deleted them.</p> <p>17 Q. When did he last text you?</p> <p>18 A. Around the interview. After I</p> <p>19 did the interview I just deleted all his texts.</p> <p>20 His number, obviously, was attached to it.</p> <p>21 Q. What was the content of those</p> <p>22 text messages?</p> <p>23 A. Just am I available. Do I want</p> <p>24 to do the interview and what time.</p> <p>25 Q. Okay. Did he text -- so it was,</p>

<p style="text-align: right;">Page 174</p> <p>1 like, setup?</p> <p>2 A. Yeah.</p> <p>3 Q. Did he text you after the</p> <p>4 interview?</p> <p>5 A. No, sir.</p> <p>6 Q. With regard to Matt Wear, from</p> <p>7 your recollection, other than him sending you the</p> <p>8 video, which I believe you said was via text</p> <p>9 message?</p> <p>10 A. I believe so. I think that's</p> <p>11 what it was. Yeah.</p> <p>12 Q. Other than --</p> <p>13 A. He doesn't have my email, so I'm</p> <p>14 sure it's text.</p> <p>15 Q. Did you respond in any way to</p> <p>16 that text message that you can remember?</p> <p>17 A. Yes, sir.</p> <p>18 Q. What did you say?</p> <p>19 A. I don't remember. I think I said</p> <p>20 thank you, and call me if you need anything, like</p> <p>21 stuff like that.</p> <p>22 Q. Did he call you afterwards?</p> <p>23 A. No, sir.</p> <p>24 Q. Other than that exchange of text</p> <p>25 messages, did you have any other text message</p>	<p style="text-align: right;">Page 176</p> <p>1 (A discussion was held off the</p> <p>2 record.)</p> <p>3 BY MR. CONLEY:</p> <p>4 Q. Just a couple more questions.</p> <p>5 A. You can ask me whatever you want.</p> <p>6 I'm not in a rush. You're not bothering me.</p> <p>7 Q. You also filed a lawsuit against</p> <p>8 Officer Courtney Dupree. Is that correct?</p> <p>9 A. Yes, sir.</p> <p>10 Q. Okay. What are your allegations</p> <p>11 against her?</p> <p>12 A. That she violated my rights.</p> <p>13 Q. How so? What did she do to</p> <p>14 violate your rights?</p> <p>15 A. By not saying something to him.</p> <p>16 Q. So do you believe that she should</p> <p>17 have intervened and stopped him from doing</p> <p>18 something?</p> <p>19 A. Yes, sir.</p> <p>20 Q. What should she have done to</p> <p>21 intervene and stop him from doing something? And</p> <p>22 by him, I'm referring to Sergeant McClure.</p> <p>23 A. She should have stuck up for my</p> <p>24 rights because she was trained and took an oath</p> <p>25 to do that.</p>
<p style="text-align: right;">Page 175</p> <p>1 exchanges with Matt Wear?</p> <p>2 A. I think I text him and asked if</p> <p>3 he needs help with counsel, and he never replied.</p> <p>4 Q. Did he tell you that he needed</p> <p>5 help with an attorney?</p> <p>6 A. No. I was just, like, checking</p> <p>7 in with him.</p> <p>8 Q. Is there a reason that you</p> <p>9 thought he might need an attorney's help?</p> <p>10 A. I feel like my attorney asked</p> <p>11 me --</p> <p>12 Q. I don't want to hear what your</p> <p>13 attorney said.</p> <p>14 A. I wanted to see if he needed</p> <p>15 help.</p> <p>16 Q. Okay. But you don't have any</p> <p>17 specific reason that you know of that he might</p> <p>18 have needed help? Were you aware that he had</p> <p>19 been sued or anything like that?</p> <p>20 A. No. I feel like his rights were</p> <p>21 violated as well.</p> <p>22 Q. I'll leave it at that. Let me</p> <p>23 just go through my notes.</p> <p>24 MR. CONLEY: Can we go off the</p> <p>25 record?</p>	<p style="text-align: right;">Page 177</p> <p>1 Q. Do you know the oath that she</p> <p>2 took?</p> <p>3 A. No, sir.</p> <p>4 Q. Other than that, that she should</p> <p>5 have stepped in, what are your claims against</p> <p>6 her?</p> <p>7 A. That's it.</p> <p>8 Q. You don't allege that she made</p> <p>9 any statements that harmed you?</p> <p>10 A. No, sir.</p> <p>11 Q. You don't allege that she</p> <p>12 physically harmed you in any way?</p> <p>13 A. No, sir.</p> <p>14 Q. You don't allege that she</p> <p>15 assaulted you or battered you?</p> <p>16 A. No, sir.</p> <p>17 Q. You don't alleged that she</p> <p>18 defamed you?</p> <p>19 A. No, sir.</p> <p>20 Q. You don't allege that she</p> <p>21 published things about you that placed you in a</p> <p>22 false light in the community?</p> <p>23 A. No, sir.</p> <p>24 MR. CONLEY: Okay. That's it.</p> <p>25 That's all I have. Thank you. Your</p>


<p style="text-align: right;">Page 178</p> <p>1 counsel might have some questions.</p> <p>2 * * *</p> <p>3 EXAMINATION</p> <p>4 BY MR. READY:</p> <p>5 Q. Just a few questions, and some of</p> <p>6 these are going to seem a little random. I just</p> <p>7 want to clear up a few things on the record. For</p> <p>8 the record, what is your race?</p> <p>9 A. Caucasian.</p> <p>10 Q. You've been asked about an</p> <p>11 amplifier system, a public address-type system</p> <p>12 that you sometimes wear. Did you have that with</p> <p>13 you on June 3rd, 2023?</p> <p>14 A. Yes, sir.</p> <p>15 Q. Were you using it?</p> <p>16 A. No, sir.</p> <p>17 Q. Did you have it on?</p> <p>18 A. No, sir.</p> <p>19 Q. Were you wearing it?</p> <p>20 A. No, sir. It was in my bag.</p> <p>21 Q. You told a story earlier about --</p> <p>22 I think you said it was on 5th and Penn, if I</p> <p>23 remember correctly, but I'm not sure, about an</p> <p>24 officer telling you to turn that same address</p> <p>25 system off?</p>	<p style="text-align: right;">Page 180</p> <p>1 over at the pride rally across the street?</p> <p>2 A. Me and the officer's</p> <p>3 conversation. That's when, as I walked up, I saw</p> <p>4 a gathering, but I didn't really hear and then as</p> <p>5 soon as I approached the men that were standing</p> <p>6 there, I don't even remember what the sign said</p> <p>7 he was holding. I just focused in on him. I</p> <p>8 felt like he came directly up to me.</p> <p>9 Q. Who is "he"?</p> <p>10 A. The officer.</p> <p>11 Q. Okay. You talked about somebody</p> <p>12 with a sign they were holding. Do you remember</p> <p>13 what that sign said?</p> <p>14 A. No, sir.</p> <p>15 Q. What did you say to the</p> <p>16 protesters across the street or the pride rally</p> <p>17 attendants?</p> <p>18 A. Well, I remember after I spoke</p> <p>19 with the officer, someone was pointing at me and</p> <p>20 to the sign, and that's when I said, yo. Like, I</p> <p>21 was yo'ing to that person and then I was going to</p> <p>22 start by saying God is not the author of</p> <p>23 confusion.</p> <p>24 Q. How far into that did you get?</p> <p>25 A. God is not.</p>
<p style="text-align: right;">Page 179</p> <p>1 A. Yes, sir.</p> <p>2 Q. That was another date completely,</p> <p>3 correct?</p> <p>4 A. Yes, sir.</p> <p>5 Q. And was that after this incident?</p> <p>6 A. It was before.</p> <p>7 Q. In interacting with Officer</p> <p>8 McClure, did he tell you that there was a certain</p> <p>9 volume that you had to maintain?</p> <p>10 A. No, sir.</p> <p>11 Q. Did he tell you how loud you</p> <p>12 could be?</p> <p>13 A. No, sir.</p> <p>14 Q. Did he tell you how far back you</p> <p>15 had to stand?</p> <p>16 A. No, sir.</p> <p>17 Q. You talked a little bit about</p> <p>18 having tunnel vision when you walked up. Did you</p> <p>19 see the rally?</p> <p>20 A. Yes, sir.</p> <p>21 Q. Did you have time to -- did you</p> <p>22 hear how -- did you hear people talking at the</p> <p>23 rally?</p> <p>24 A. No, sir.</p> <p>25 Q. What was going on at that time</p>	<p style="text-align: right;">Page 181</p> <p>1 Q. And after the officer began his</p> <p>2 arrest, you attempted to say something else.</p> <p>3 What was that?</p> <p>4 A. After they were laughing at me,</p> <p>5 it kind of felt like I was being punched in the</p> <p>6 stomach, so I at least wanted to finish what I</p> <p>7 started saying, and I was going to try to finish</p> <p>8 saying, God is not the author of confusion.</p> <p>9 Q. And what happened when you tried</p> <p>10 to say that again?</p> <p>11 A. I was swung around and pushed up</p> <p>12 against the wall.</p> <p>13 Q. Who swung you around?</p> <p>14 A. The officer.</p> <p>15 Q. You pointed across the table.</p> <p>16 Which officer?</p> <p>17 A. Officer McClure. Is that how you</p> <p>18 say your name? I'm sorry.</p> <p>19 Q. Did you observe the officers</p> <p>20 wearing pride wristbands?</p> <p>21 A. No, sir.</p> <p>22 Q. You talked about people laughing.</p> <p>23 Who was laughing?</p> <p>24 A. There was laughing and clapping</p> <p>25 across the street.</p>

<p style="text-align: right;">Page 182</p> <p>1 Q. You said there was laughing --</p> <p>2 sorry. You said there was laughing and clapping</p> <p>3 across the street?</p> <p>4 A. Yes, sir.</p> <p>5 Q. You mean at the pride rally?</p> <p>6 A. At the rally. Yes, sir.</p> <p>7 Q. Could you tell what, if anything,</p> <p>8 they were laughing or clapping about?</p> <p>9 MR. CONLEY: Objection to form.</p> <p>10 Calls for speculation. Go ahead.</p> <p>11 A. Well, I felt like it started</p> <p>12 after he put me in handcuffs, so I just felt like</p> <p>13 it was laughing at me.</p> <p>14 Q. The shirt that you were wearing,</p> <p>15 what did it say?</p> <p>16 A. It said: You must be born again.</p> <p>17 And on the back it says: Except a man be born</p> <p>18 again, he will not see the kingdom of heaven.</p> <p>19 Q. What is that quote from?</p> <p>20 A. It's from the Bible.</p> <p>21 Q. And who said that?</p> <p>22 A. Lord Jesus.</p> <p>23 Q. You were holding a sign that was</p> <p>24 double-sided, correct?</p> <p>25 A. Yes, sir.</p>	<p style="text-align: right;">Page 184</p> <p>1 yo God is not?</p> <p>2 A. No, sir.</p> <p>3 Q. There was some questions about</p> <p>4 demons earlier. Did you call someone while</p> <p>5 present at the rally a demon?</p> <p>6 A. No, sir.</p> <p>7 Q. Okay. Your message, is it -- do</p> <p>8 people sometimes find it offensive when you're</p> <p>9 street preaching?</p> <p>10 A. Yes, sir.</p> <p>11 Q. So why do you persist? Why do</p> <p>12 you keep sharing your message even if people are</p> <p>13 offended by it?</p> <p>14 A. Well, because the Bible says go</p> <p>15 into all the world and preach the gospel. And</p> <p>16 like I said earlier, I'm living proof that this</p> <p>17 book changed my life. So sometimes I have</p> <p>18 trouble even sleeping at night knowing that I</p> <p>19 feel like I should just street preach for the</p> <p>20 rest of my life.</p> <p>21 In fact, I'm kind of tempted to</p> <p>22 do that, to go to Miami with nothing but the</p> <p>23 clothes on my back and spend the rest of my life</p> <p>24 telling people about Jesus Christ. That's how</p> <p>25 serious I am because I don't want to be somewhere</p>
<p style="text-align: right;">Page 183</p> <p>1 Q. And what did the sign say?</p> <p>2 A. The sign said: Jesus said go and</p> <p>3 sin no more. The other side said: Jesus said I</p> <p>4 am the way, the truth and the life.</p> <p>5 Q. And what are those quotes from?</p> <p>6 A. What chapter in the Bible?</p> <p>7 Q. Sure.</p> <p>8 A. Well, Jesus said them. Like I</p> <p>9 said, when I street preach, I kind of just, like,</p> <p>10 go off the cuff. I have flashcards with verses</p> <p>11 that I try to remember, but sometimes it's hard</p> <p>12 for me to remember the exact part of the Bible.</p> <p>13 Q. That's okay. My question may</p> <p>14 have even been more general than that. You're</p> <p>15 saying both of those quotes are from the Bible.</p> <p>16 Is that correct?</p> <p>17 A. Yes, sir. Yeah.</p> <p>18 Q. Did your sign have any other</p> <p>19 words on it?</p> <p>20 A. No, sir.</p> <p>21 Q. Okay. Did your shirt have any</p> <p>22 other quotes than the ones you told us about?</p> <p>23 A. No, sir.</p> <p>24 Q. Did you say to any of the</p> <p>25 protesters across the street anything other than</p>	<p style="text-align: right;">Page 185</p> <p>1 knowing I could have told someone, and I didn't</p> <p>2 help them. I would want someone to do it for me.</p> <p>3 I wish someone would have sat me down and read</p> <p>4 the Bible with me when I was younger. Maybe it</p> <p>5 would have stopped me from doing some of the</p> <p>6 things I've done.</p> <p>7 Q. You've been asked a lot about</p> <p>8 Matthew Wear?</p> <p>9 A. Yeah.</p> <p>10 Q. And I guess he sent you a</p> <p>11 message. Have you had any other communication</p> <p>12 other than texts you told counsel about with</p> <p>13 Matthew Wear since this event?</p> <p>14 A. No, sir.</p> <p>15 Q. Have you had any -- did you have</p> <p>16 any communication with him -- other than the one</p> <p>17 day you both basically preached in the same spot,</p> <p>18 did you have any communication with him before</p> <p>19 this event?</p> <p>20 A. Just that one day. He came out</p> <p>21 of nowhere. I didn't even know who he was, and</p> <p>22 he street preached with me for a couple minutes,</p> <p>23 and I gave him my number. Then I saw him a year</p> <p>24 later at that event.</p> <p>25 Then a few weeks later he came up</p>

<p style="text-align: right;">Page 186</p> <p>1 to me and Brother Jose when we were at Queen City 2 Diner. He did a few minutes and then he left. I 3 reached out to him here and there, and I 4 don't -- it's not someone I talk to regularly, 5 which is why I don't have his number in my phone. 6 Q. During the conversation with 7 Sergeant McClure, he told you to respect them. 8 First of all, who did you think he was referring 9 to, the them? 10 A. The people across the street. 11 Q. And what did you think he meant 12 by respect them? 13 A. Well, I'm not sure. Like, it 14 never dawned on me that I wasn't able to talk, so 15 the respect, assuming I wasn't going to, like, 16 throw anything, act a certain way. I wasn't 17 going to cross the street. I wasn't going to 18 name call or point anyone down. Respect, I took 19 it as that as I thought. It never crossed my 20 mind that I wasn't allowed to talk. That thought 21 never crossed my mind. 22 Q. Did any other officer speak to 23 you before you were arrested other than Sergeant 24 McClure? 25 A. No, sir.</p>	<p style="text-align: right;">Page 188</p> <p>1 long hair. 2 A. Yes, sir. 3 Q. And how did she assist? 4 A. She helped go through my bag. 5 Q. Were you carrying any weapons 6 with you that day? 7 A. No, sir. 8 Q. Did you engage in fighting with 9 anyone? 10 A. No, sir. 11 Q. Did you engage in threats with 12 anyone? 13 MR. CONLEY: Objection to form. 14 A. No, sir. 15 Q. Did you threaten people from the 16 pride rally, the officers, anyone? 17 A. No, sir. 18 Q. Did you engage in any violent 19 behavior? 20 A. No, sir. 21 MR. CONLEY: Object to the form. 22 Q. Did your speech cause any 23 disruption of the pride march and rally? 24 MR. CONLEY: Objection to form. 25 You can answer.</p>
<p style="text-align: right;">Page 187</p> <p>1 Q. Was your voice louder than the 2 just general speaking and discussion of the crowd 3 across the street? 4 A. No, sir. 5 MR. CONLEY: Objection to form. 6 Q. The phrase "God is not the author 7 of confusion," where does that come from? 8 A. It comes from the Bible. 9 Q. One moment. What effect do you 10 hope that your preaching has on people who are 11 listening? 12 A. Just like the young man that I 13 saw the change in his face, the Bible says God's 14 word does not return void. So no matter who you 15 talk to, it will impact them in a different way. 16 I just want everyone to be okay. No matter who 17 you are or where you're from, I just want you to 18 be okay. And if you feel that you were born a 19 certain way, I want you to know you can be born 20 again. 21 Q. Did Officer Dupree assist 22 Sergeant McClure in arresting you? 23 A. I'm not sure who that was. The 24 one with the short hair? The long hair? 25 Q. Sure. No. The officer with the</p>	<p style="text-align: right;">Page 189</p> <p>1 A. No, sir. 2 Q. Did anything else you did disrupt 3 the pride march and rally? 4 A. No, sir. 5 Q. When you were being taken away by 6 the officers, did you hear someone come on the PA 7 system at the pride rally and begin speaking? 8 A. No, sir. 9 Q. Okay. Do you recall someone 10 speaking at the pride rally? 11 A. Yes, sir. 12 Q. And do you recall what they were 13 saying? 14 A. At the time it was, like, you 15 know, tunnel vision, but after I looked back, you 16 know, I can hear, and I remember it getting 17 started as I was walking away. 18 Q. Do you remember what was said? 19 A. No, sir. 20 Q. Was the event in progress when 21 you arrived? 22 A. No, sir. 23 Q. Did the handcuffing cause you any 24 physical pain? 25 A. At the time, just they were too</p>

<p style="text-align: right;">Page 190</p> <p>1 tight.</p> <p>2 Q. How long were you handcuffed?</p> <p>3 A. I would say an hour maybe until I</p> <p>4 got to the police station and they let me out.</p> <p>5 Q. Were they too tight throughout</p> <p>6 that time?</p> <p>7 A. I'm not sure. I just remember at</p> <p>8 first they were.</p> <p>9 Q. You were arraigned by a judge</p> <p>10 that day?</p> <p>11 A. Yes, sir.</p> <p>12 Q. Did anyone give you a Miranda</p> <p>13 warning at any time, telling you that what you</p> <p>14 said could be used against you, that you had a</p> <p>15 right to counsel? Did you hear that from an</p> <p>16 officer at any point?</p> <p>17 MR. CONLEY: Objection to form.</p> <p>18 You can answer.</p> <p>19 A. Yes, sir.</p> <p>20 Q. Do you remember who told you</p> <p>21 that?</p> <p>22 A. No, sir.</p> <p>23 Q. Okay. Was it the judge when you</p> <p>24 were arraigned?</p> <p>25 A. I'm not sure.</p>	<p style="text-align: right;">Page 192</p> <p>1 A. Yes, sir.</p> <p>2 Q. What were they there for?</p> <p>3 A. Different charges.</p> <p>4 Q. Do you remember any of them?</p> <p>5 A. Abuse, missing a court date,</p> <p>6 something with his baby's mom, the other guy.</p> <p>7 Q. Did you tell them what you were</p> <p>8 there for?</p> <p>9 A. They kind of knew.</p> <p>10 Q. Okay. How did they know?</p> <p>11 A. They said my shirt, and I didn't</p> <p>12 look like I belonged in there.</p> <p>13 Q. Did anyone interview you from the</p> <p>14 police department?</p> <p>15 A. No.</p> <p>16 Q. So, in other words, just to make</p> <p>17 sure that question is clear. After Sergeant</p> <p>18 McClure got you in a -- they call it the wagon to</p> <p>19 take you over to central booking, a police</p> <p>20 officer or detective didn't come and have a</p> <p>21 discussion with you about what had happened, did</p> <p>22 they?</p> <p>23 MR. CONLEY: Objection to form.</p> <p>24 A. I don't really remember. I don't</p> <p>25 think they asked me questions and all. They just</p>
<p style="text-align: right;">Page 191</p> <p>1 Q. Okay. Did you have bail set by</p> <p>2 the judge during that arraignment?</p> <p>3 A. I don't remember. I thought they</p> <p>4 said I wasn't going to get bail because of the</p> <p>5 charge.</p> <p>6 Q. Did they maybe tell you you were</p> <p>7 released on your recognizance?</p> <p>8 A. I think that's what she said.</p> <p>9 Yes, sir.</p> <p>10 Q. Do you remember what judge you</p> <p>11 saw?</p> <p>12 A. It was a female.</p> <p>13 Q. Was it on video?</p> <p>14 A. Yes, sir.</p> <p>15 Q. How long were you in a holding</p> <p>16 cell at central booking?</p> <p>17 A. A couple hours.</p> <p>18 Q. Who was -- were there people in</p> <p>19 there with you? Were you alone?</p> <p>20 A. Yes, sir. There were people in</p> <p>21 there.</p> <p>22 Q. How many people were in with you?</p> <p>23 A. Three or four.</p> <p>24 Q. Did they tell you what they were</p> <p>25 there for?</p>	<p style="text-align: right;">Page 193</p> <p>1 kind of processed me. I talked to the intake</p> <p>2 officer about Jesus, and that was about it.</p> <p>3 Q. So you've been asked some</p> <p>4 questions about this, but since June 3rd, 2023,</p> <p>5 how has this arrest affected your life?</p> <p>6 A. Well, like I said earlier, just</p> <p>7 anxiety, and I feel like I don't want anyone to</p> <p>8 think that I didn't tell the truth of what</p> <p>9 happened that day. I don't like how they said</p> <p>10 there's more to the story and I was there for an</p> <p>11 hour. I don't like being attached to these</p> <p>12 companies.</p> <p>13 Q. Has this affected your ability to</p> <p>14 sleep at all?</p> <p>15 A. A few nights, but not really.</p> <p>16 No. No, sir.</p> <p>17 Q. Have you been affected with</p> <p>18 tiredness or fatigue as a result of this</p> <p>19 incident?</p> <p>20 A. No, sir.</p> <p>21 Q. Damon, we've talked about sin a</p> <p>22 lot today, which is fairly unusual for</p> <p>23 depositions, but what are the consequences of sin</p> <p>24 that you are concerned about?</p> <p>25 A. Well, the separation of God, and</p>

<p style="text-align: right;">Page 194</p> <p>1 what really concerns me is that there's an 2 alternative, and a lot of people, especially our 3 younger generation, aren't aware of it because 4 people attack the Bible. They say it's manmade, 5 and it's not true, but I'm living proof that it 6 is because it changed my life. 7 Q. What does someone have to do to 8 be born again? 9 MR. CONLEY: Objection to form. 10 You can answer. 11 A. They have to have a relationship 12 with Jesus Christ of Nazareth, and he'll tell you 13 exactly what to do. 14 Q. This message that you're sharing, 15 you've talked about it being called evangelism. 16 Is it also known as the gospel? 17 A. Yes, sir. 18 MR. READY: I have nothing 19 further. 20 * * * 21 RE-EXAMINATION 22 BY MR. CONLEY: 23 Q. I've got a couple. I'm going to 24 start right there at the end because it's fresh. 25 Counsel just asked you some questions about sin</p>	<p style="text-align: right;">Page 196</p> <p>1 testifying today? 2 A. Yes, sir. 3 Q. The people in jail, you were 4 asked some questions about they knew what you 5 were there for based upon what was on your shirt? 6 A. Yes, sir. 7 Q. Did you talk to them about it? 8 A. No. They just said you don't 9 look like you belong here. 10 Q. They didn't say we know why 11 you're here? 12 A. No. And then they asked me, and 13 I started talking to them. 14 Q. Okay. So after they asked you, 15 you explained why you were arrested? 16 A. Yes. 17 Q. Have you maintained contact with 18 any of those individuals? 19 A. No, sir. 20 Q. You mentioned that the handcuffs 21 were too tight. Have you been handcuffed at any 22 other point in your life? 23 A. Yes, sir. 24 Q. When was that? Was that with the 25 two arrests?</p>
<p style="text-align: right;">Page 195</p> <p>1 and the consequences thereof. I want to ask you 2 something a little bit differently. Do you 3 believe that it is okay for people not to agree 4 with you about your views upon the consequences 5 of sin? 6 A. Yes, sir. 7 Q. Are those people necessarily 8 wrong in their views? 9 A. I'm worried. I can't say whether 10 they're right or wrong. 11 Q. Okay. You mentioned that you had 12 a couple of nights where you struggled to sleep? 13 A. Yes, sir. 14 Q. I think you said a few nights. I 15 don't want to put words in your mouth. Do you 16 have any specific recollection of when those 17 nights were? 18 A. No. The last one was last night. 19 I just feel uneasy. 20 Q. And that was because this is the 21 first deposition you've ever given before, right? 22 A. Yeah. And I just -- I don't want 23 to misrepresent Jesus or God. That worries me 24 more than anything. 25 Q. And that's because you're</p>	<p style="text-align: right;">Page 197</p> <p>1 A. When I was younger, yes, sir. 2 Q. Were these handcuffs tighter than 3 those events? 4 A. Well, that was a long time ago, 5 but I don't remember feeling that pain before 6 when I was at the house party and when I was in 7 that car with my friends, so I can't -- I just 8 don't remember. I don't remember feeling that 9 pain before. 10 Q. Okay. 11 A. I didn't say these are too tight 12 to the officer that was arresting me. I remember 13 that. 14 Q. But you didn't seek any medical 15 treatment -- 16 A. No, sir. 17 Q. -- to your wrists or anything 18 like that? 19 A. No, sir. 20 Q. You mentioned in response to your 21 counsel's questioning that you were trying to 22 quote the Bible regarding the passage saying yo 23 God -- not yo. Yo is probably not in the Bible. 24 God is not the author of confusion? 25 A. Yes, sir.</p>

<p style="text-align: right;">Page 198</p> <p>1 Q. When you're saying that to the 2 people across the street, would it be reasonable 3 for somebody to assume that you're telling them 4 that they're confused? 5 A. No, sir. 6 Q. You don't think it's reasonable 7 for somebody to interpret that statement as a 8 suggestion that they are confused? 9 A. No, sir. 10 Q. Okay. But you did tell your 11 counsel that some people feel uncomfortable by 12 your message? 13 A. Yes, sir. 14 Q. If somebody were to imply that 15 you were confused, would that make you feel any 16 particular way? 17 A. No, sir. 18 Q. If somebody were to imply that 19 you were a sinner, would that make you feel any 20 particular way? 21 A. Well, I know I am, so no, sir. 22 Q. No. Okay. Do you think some 23 people might be upset by an implication that 24 they're sinners? 25 A. No, sir.</p>	<p style="text-align: right;">Page 200</p> <p>1 Q. The word "must" was in there? 2 A. Yes, sir. 3 Q. Okay. Would it be reasonable for 4 somebody to interpret the word "must" as a 5 directive? As an order? 6 A. Yes, sir. 7 Q. Do you particularly like it when 8 people give you orders? 9 A. Well, it depends on the order and 10 if they're trying to help me or not. I've been 11 given orders to do things that hurt my life. 12 I've been given orders to do things that help it. 13 There's a difference. 14 Q. And whether something hurts your 15 life or helps your life is kind of subjective to 16 the person, right? 17 A. Yes, sir. 18 MR. CONLEY: That's all I have. 19 I appreciate it. Thank you for answering 20 my questions today. Your counsel may 21 have follow-up questions. 22 MR. READY: No. I have nothing. 23 Thank you. 24 (Deposition was concluded at 4:39 25 p.m.)</p>
<p style="text-align: right;">Page 199</p> <p>1 Q. When you say go and sin no more 2 as was on your sign, would it be reasonable for 3 somebody to interpret that as suggesting that 4 they are a sinner? 5 A. No, sir. 6 Q. Why are you saying -- or why are 7 you carrying a sign that says go and sin no more 8 to a pride event rally? 9 A. Because I feel like we're all 10 sinners, and that is meant to provoke 11 conversation because I'm the same as you. I'm no 12 different. 13 Q. Would you carry that sign to a 14 evangelical event? 15 A. I carry it with me all over. 16 Yes, sir. 17 Q. Have you ever carried it to an 18 evangelical event? 19 A. What? Like, church? 20 Q. Any sort of -- 21 A. I've brought it into churches 22 before. Yes, sir. 23 Q. Okay. And you mentioned that 24 your shirt said you must be born again? 25 A. Yes, sir.</p>	<p style="text-align: right;">Page 201</p> <p>1 CERTIFICATE 2 3 COMMONWEALTH OF PENNSYLVANIA) 4)SS: 5 COUNTY OF MONTGOMERY) 6 7 I, Lauren Buchak, Notary Public, 8 Registered Merit Reporter and Certified Realtime 9 Reporter, do hereby certify that prior to the 10 commencement of the examination, DAMON ATKINS was 11 duly sworn or affirmed by me to testify to the 12 truth, the whole truth and nothing but the truth. 13 I DO FURTHER CERTIFY that the 14 foregoing is a verbatim transcript of the 15 testimony as taken stenographically by me at the 16 time, place and on the date hereinbefore set 17 forth, to the best of my ability. 18 I DO FURTHER CERTIFY that I am 19 neither a relative nor employee nor attorney nor 20 counsel of any of the parties to this action, and 21 that I am neither a relative nor employee of such 22 attorney or counsel, and that I am not 23 financially interested in the action. 24 25  LAUREN BUCHAK, CRR Notary ID Number: 1115041 Notary Expiration: February 20, 2028 Dated: April 8, 2024</p>

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DAMON ATKINS, : Civil No.
Plaintiff : 5:23-cv-02732-JMG

vs. :

CITY OF READING, EDDIE :
MORAN, RICHARD TORNIELLI, :
BRADLEY T. MCCLURE, and :
COURTNEY DUPREE, :
Defendants :

- - -

Friday, March 22, 2024

- - -

Deposition of SERGEANT BRADLEY T. MCCLURE
taken in the Law Offices of Cornerstone Law Firm,
LLC, 8500 Allentown Pike, Suite 3, Blandon,
Pennsylvania, on the above date, commencing at
8:58 a.m. before Lauren A. Buchak, Registered
Merit Reporter and Certified Realtime Reporter.

<p style="text-align: right;">Page 2</p> <p>1 APPEARANCES:</p> <p>2</p> <p>3 CORNERSTONE LAW FIRM, LLC</p> <p>4 By: JOEL A. READY, ESQUIRE</p> <p>5 8500 Allentown Pike, Suite 3</p> <p>6 Blandon, PA 19510</p> <p>7 610-926-7875</p> <p>8 joel@cornerstonelaw.us</p> <p>9 -- For the Plaintiff</p> <p>10</p> <p>11 MacMAIN LEINHAUSER, P.C.</p> <p>12 By: BRIAN C. CONLEY, ESQUIRE</p> <p>13 433 West Market Street, Suite 200</p> <p>14 West Chester, PA 19382</p> <p>15 484-318-7106</p> <p>16 bconley@macmainlaw.com</p> <p>17 -- For the Defendants</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 4</p> <p>1 DEPOSITION SUPPORT INDEX</p> <p>2 Directions to Witness Not to Answer</p> <p>3 PAGE LINE</p> <p>4</p> <p>5 Request for Production of Documents</p> <p>6</p> <p>7 PAGE LINE</p> <p>8</p> <p>9 Stipulations</p> <p>10 PAGE LINE</p> <p>11</p> <p>12 Questions Marked</p> <p>13</p> <p>14 PAGE LINE</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>																																																
<p style="text-align: right;">Page 3</p> <p>1 INDEX TO WITNESSES</p> <p>2</p> <table border="0"> <tr> <td>WITNESS</td> <td>PAGE</td> </tr> <tr> <td>3 SERGEANT BRADLEY T. McCLURE</td> <td></td> </tr> <tr> <td>4 By Mr. Ready</td> <td>5, 147</td> </tr> <tr> <td>5 By Mr. Conley</td> <td>132</td> </tr> <tr> <td>6</td> <td></td> </tr> <tr> <td>7</td> <td></td> </tr> <tr> <td>8</td> <td></td> </tr> <tr> <td>9 INDEX TO EXHIBITS</td> <td></td> </tr> <tr> <td>10</td> <td></td> </tr> <tr> <td>11</td> <td>PAGE</td> </tr> <tr> <td>12 EXHIBIT DESCRIPTION MARKED</td> <td></td> </tr> <tr> <td>13 (No exhibits were marked.)</td> <td></td> </tr> <tr> <td>14</td> <td></td> </tr> <tr> <td>15</td> <td></td> </tr> <tr> <td>16</td> <td></td> </tr> <tr> <td>17</td> <td></td> </tr> <tr> <td>18</td> <td></td> </tr> <tr> <td>19</td> <td></td> </tr> <tr> <td>20</td> <td></td> </tr> <tr> <td>21</td> <td></td> </tr> <tr> <td>22</td> <td></td> </tr> <tr> <td>23</td> <td></td> </tr> <tr> <td>24</td> <td></td> </tr> <tr> <td>25</td> <td></td> </tr> </table>	WITNESS	PAGE	3 SERGEANT BRADLEY T. McCLURE		4 By Mr. Ready	5, 147	5 By Mr. Conley	132	6		7		8		9 INDEX TO EXHIBITS		10		11	PAGE	12 EXHIBIT DESCRIPTION MARKED		13 (No exhibits were marked.)		14		15		16		17		18		19		20		21		22		23		24		25		<p style="text-align: right;">Page 5</p> <p>1 SERGEANT BRADLEY T. McCLURE,</p> <p>2 after having been duly sworn, was</p> <p>3 examined and testified as follows:</p> <p>4 * * *</p> <p>5 MR. CONLEY: Usual stipulations?</p> <p>6 MR. READY: Yes. Usual</p> <p>7 stipulations except he may read and sign.</p> <p>8 MR. CONLEY: We'll let you know</p> <p>9 afterwards.</p> <p>10 * * *</p> <p>11 EXAMINATION</p> <p>12 BY MR. READY:</p> <p>13 Q. Good morning, Sergeant McClure.</p> <p>14 A. Good morning, sir.</p> <p>15 Q. It's good to meet you again. I</p> <p>16 know we met yesterday. My name is Joel Ready.</p> <p>17 I'm representing Damon Atkins in this case. I</p> <p>18 know you sat through everything yesterday, so</p> <p>19 you've heard these instructions, but I'm just</p> <p>20 going to run through them again real quick. I'll</p> <p>21 ask you to let me finish all of the question</p> <p>22 before you try to answer, and I will do my best</p> <p>23 to let you finish your answer before I jump in.</p> <p>24 Okay?</p> <p>25 A. Yes.</p>
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<p style="text-align: right;">Page 6</p> <p>1 Q. Second, you're doing a great job 2 so far. Try to verbalize your responses rather 3 than nodding or saying uh-huh or uh-uh. That's 4 for our court reporter's benefit. 5 A. Yes. 6 Q. And then third and finally, feel 7 free to take a break at any time. I would just 8 ask that you finish whatever question you're on, 9 but if you need a break, just let me know, and 10 we'll stop. Okay? 11 A. Yes, sir. 12 Q. All right. Would you state your 13 full name for our record? 14 A. Bradley T. McClure. 15 Q. Throughout today I'll be 16 referring to the city, and you'll understand, I 17 think, that that's the City of Reading, correct? 18 A. Yes. 19 Q. Where are you employed? 20 A. City of Reading Police 21 Department. 22 Q. How long have you been employed 23 there? 24 A. I was hired July 2nd of 2007. 25 Q. You currently hold the rank of</p>	<p style="text-align: right;">Page 8</p> <p>1 Q. And you were wearing that 2 pursuant to the City's rules at that time? 3 A. Yes, sir. 4 Q. Okay. So I want to take you back 5 to June 3rd of 2023. How long had you been on 6 duty that day when this confrontation with Mr. 7 Atkins began? 8 MR. CONLEY: Objection to the 9 form, but you can answer. 10 Q. Let's see if I can clean that 11 question up. I can probably ask it better. When 12 did you start your shift that day? 13 A. The best that I can recall, 14 because this was an overtime shift, so it 15 wouldn't have been my normal starting time. I 16 believe it was 8:30 in the morning. 17 Q. Was this a Saturday? 18 A. Yes, sir. 19 Q. Okay. When you say overtime 20 shifts, what does that mean? 21 A. In my current job as a traffic 22 sergeant, so by contract my hours are Monday to 23 Friday, 7:00 to 3:00. So anything outside of 24 Monday to Friday, 7:00 to 3:00 would be overtime. 25 Q. What does it mean that you're a</p>
<p style="text-align: right;">Page 7</p> <p>1 sergeant. Is that correct? 2 A. Yes, sir. 3 Q. How long have you been a 4 sergeant? 5 A. I was promoted January -- it was 6 either 1st or 2nd of 2017. I don't know what 7 date that was effective. 8 Q. How old are you today? 9 A. I'm sorry? 10 Q. How old are you today? 11 A. Fifty-two. 12 Q. What did you do before you worked 13 with the Reading Police Department? 14 A. I was a corrections officer at 15 Berks County Prison. 16 Q. How long were you there? 17 A. I was there from October 13, '99 18 until June 30th of 2007. 19 Q. So you were here yesterday when 20 we showed some footage. You've seen the body cam 21 footage in this case, correct? 22 A. Yes, sir. 23 Q. And that body cam was a Reading 24 Police Department-issued body camera, correct? 25 A. Yes, it was.</p>	<p style="text-align: right;">Page 9</p> <p>1 traffic sergeant? 2 A. Well, I'm the supervisor for the 3 traffic unit. Now, the traffic unit in Reading, 4 the patrolmen handle the traffic issues, 5 obviously. They handle, like, school bus 6 violations, like when people drive around the 7 stop sign, abandoned cars, if we have complaints 8 about, like, speeding on certain roads, and we 9 are also in charge of all special events in 10 Reading. 11 Q. And that would include a 12 permitted event like the one at issue here? 13 A. Yes, sir. Yeah. 14 Q. Why is your department in charge 15 of permitted events? 16 A. I don't know the answer to that. 17 Q. Okay. Fair enough. Is that 18 related to the fact that traffic has to be shut 19 down or is that just how kind of the lot falls on 20 who's responsible? 21 A. You probably hit it right there. 22 I don't know, but the fact that obviously most of 23 these events affect traffic is probably how it 24 turned out that way. It was certainly this way 25 when I started. I'm not a hundred percent sure</p>

<p style="text-align: right;">Page 10</p> <p>1 why we have it.</p> <p>2 Q. Okay. So I want to just start on</p> <p>3 the -- there was some discussion yesterday with</p> <p>4 Chief Tornielli about the distortion of body</p> <p>5 camera footage?</p> <p>6 A. Yes.</p> <p>7 Q. You've seen the body camera</p> <p>8 footage in this case, correct?</p> <p>9 A. Yes.</p> <p>10 Q. Do you think it reflects what you</p> <p>11 saw that day?</p> <p>12 A. Well, what I saw -- again, in</p> <p>13 line with what he said, of course it's not</p> <p>14 exactly what I saw because the -- I wear my body</p> <p>15 camera here, which is -- I wish it could be</p> <p>16 higher, but just the way our shirts are, this is</p> <p>17 as high as it can go.</p> <p>18 And, obviously, it only captures</p> <p>19 what was happening at that moment. Like, it</p> <p>20 doesn't see anything out of the peripheral</p> <p>21 vision. It doesn't see anything, you know,</p> <p>22 behind me. So like Chief Tornielli said, and</p> <p>23 we're taught this even when we started wearing</p> <p>24 the body cameras, they're a tool, and they're a</p> <p>25 great tool to have, and I'm glad that we have</p>	<p style="text-align: right;">Page 12</p> <p>1 16. I think it was Friday, November 16th of '07.</p> <p>2 Q. And what training -- sorry. What</p> <p>3 education did you have before the academy?</p> <p>4 A. I had gone to Reading Community</p> <p>5 College. I was an accounting major. I did not</p> <p>6 finish. I was in my second year, and I didn't</p> <p>7 finish. I'm not proud to say.</p> <p>8 Q. And you were in the Marines after</p> <p>9 high school. Is that correct?</p> <p>10 A. Yes, sir.</p> <p>11 Q. How long did you serve?</p> <p>12 A. From '89 to '93.</p> <p>13 Q. Did you review any documents in</p> <p>14 preparation for your deposition here today?</p> <p>15 A. I looked at some of the news</p> <p>16 articles, body camera -- do you mean body camera</p> <p>17 footage, also?</p> <p>18 Q. Sure.</p> <p>19 A. Yes. Yeah.</p> <p>20 Q. So you reviewed the news</p> <p>21 articles. Which articles did you review, if you</p> <p>22 recall?</p> <p>23 A. Well, I don't recall. I did not</p> <p>24 read them word for word. Obviously, they were</p> <p>25 not very favorable towards me, so...</p>
<p style="text-align: right;">Page 11</p> <p>1 them, but they do have their limitations.</p> <p>2 Q. You mentioned the height of the</p> <p>3 camera and the peripheral that doesn't capture.</p> <p>4 Is there anything else that you think the body</p> <p>5 cameras don't accurately capture when they're on?</p> <p>6 A. Well, just, I believe distances</p> <p>7 and sizes of things are distorted just based on</p> <p>8 their filming angle and where they're filming</p> <p>9 from. They're intentionally cut off. They</p> <p>10 intentionally do not cut -- do not include an</p> <p>11 officer's field of vision and also sounds. Like,</p> <p>12 we may hear something, but maybe a car driving by</p> <p>13 distorts or hides the sound. Again, they're</p> <p>14 great, but they have their limitations.</p> <p>15 Q. Okay. I want to take you back to</p> <p>16 your beginning with the Reading Police</p> <p>17 Department. Did you go through the Reading</p> <p>18 Academy?</p> <p>19 A. Yes, sir. Yes. I was hired by</p> <p>20 Reading and then they put me through the academy.</p> <p>21 Q. Do you remember when you went</p> <p>22 through?</p> <p>23 A. July 2nd was my first day.</p> <p>24 Q. How long does the academy last?</p> <p>25 A. Our graduation date was November</p>	<p style="text-align: right;">Page 13</p> <p>1 Q. And you watched the body camera</p> <p>2 footage, you said?</p> <p>3 A. Yes, sir.</p> <p>4 Q. Anything else you reviewed in</p> <p>5 preparation for today?</p> <p>6 A. No.</p> <p>7 Q. Did you have any discussions with</p> <p>8 anyone other than your counsel in preparation for</p> <p>9 this deposition?</p> <p>10 A. In preparation for the</p> <p>11 deposition, no.</p> <p>12 Q. Related to this case at any point</p> <p>13 in time, have you reviewed any statements or</p> <p>14 written reports by Mayor Eddie Moran?</p> <p>15 A. No. No.</p> <p>16 Q. How about statements, written or</p> <p>17 otherwise, by Courtney Dupree?</p> <p>18 A. No.</p> <p>19 Q. Did you talk with Ms. Dupree</p> <p>20 about this incident after it happened?</p> <p>21 A. Briefly we did. Yes.</p> <p>22 Q. When was that?</p> <p>23 A. Well, we would have discussed it</p> <p>24 that day, maybe once in the few weeks afterwards.</p> <p>25 Nothing official. Like, we didn't set up a</p>

<p style="text-align: right;">Page 14</p> <p>1 meeting or anything. As I recall, I was still 2 working one night. She was the 7:00 p.m. to 7:00 3 a.m. shift, and we had, like, just a brief 4 discussion about it. 5 Q. Was Ms. Dupree on the traffic 6 division with you? 7 A. No. She wasn't. 8 Q. Did you two regularly work 9 together? 10 A. No. 11 Q. What did you discuss that day 12 after the incident? 13 A. Do you mean the day of the 14 incident? 15 Q. Yes. 16 A. Okay. I think that -- I see what 17 you said. Okay. Sorry. 18 Q. Let me clarify. 19 A. I just misunderstood you. I'm 20 sorry. 21 Q. That's okay. Let me clarify and 22 make sure I understood. I think you said you 23 discussed it that day with her after the arrest 24 was made? 25 A. Right. Yes, sir.</p>	<p style="text-align: right;">Page 16</p> <p>1 City Park, you're good. You can leave. You're 2 done. I'll take care of everything else. 3 Q. So your conversation about Mr. 4 Atkins after the arrest with Courtney Dupree was 5 about who was going to file the charges? 6 A. That's all I can remember talking 7 about. It was brief. It wasn't, like, in-depth 8 about what did you see, what did I see, because 9 we were both there. 10 Q. Okay. You said you also spoke 11 once a few weeks after with Courtney Dupree. 12 What did you discuss at the time? 13 A. That would have been very 14 informally, and that would have -- that revolved 15 more around the backlash that I was getting, not 16 only the calls to the police department, but some 17 people had, you know, taken the time to find my 18 personal phone number and make some calls to me 19 that were not very complimentary, so that's -- 20 that conversation would have centered around 21 that. 22 Q. Did you discuss anything else 23 about Mr. Atkins with Courtney Dupree? 24 A. Not that I recall. In fact, she 25 and I rarely saw each other, and the next time</p>
<p style="text-align: right;">Page 15</p> <p>1 Q. What was that discussion like? 2 A. Just very briefly. Like, 3 normally in an arrest situation at our department 4 the patrolmen handle all the charges. So a 5 street sergeant -- which I'm a traffic sergeant. 6 You're still a street sergeant -- doesn't do 7 criminal complaints. You would have one of the 8 patrolmen do it. 9 And I could have done that. I 10 could have said, you know, Courtney, you're going 11 to handle these charges. You were there. Do the 12 charges. I didn't feel right about that. I was 13 the one who made the decision to make the arrest. 14 She was also -- it was her day off, too. She was 15 there on overtime. I knew none of us wanted to 16 stay late, so I said, you know what? It was my 17 decision. I'll do it. I'll take care of the 18 charges for you. 19 And that was really the extent of 20 our conversation about the incident itself. The 21 rest -- and this would have happened right after 22 as they're probably forming for their march up to 23 City Park, and so the rest of our conversation 24 was what you're going to do during this and what 25 I'm going to do during this, and once they get to</p>	<p style="text-align: right;">Page 17</p> <p>1 that we even had a conversation about this would 2 have been, I think it was in November when 3 somebody from the lawyer's office came to City 4 Hall to see us and met with us. I'm sorry. I 5 don't remember his name. 6 MR. CONLEY: If it was a 7 conversation with a lawyer, don't discuss 8 the conversation. 9 THE WITNESS: I'm sorry. 10 MR. CONLEY: That's okay. 11 BY MR. READY: 12 Q. That's fine. Other than the 13 conversations you described so far, were there 14 any other times that you and Courtney Dupree 15 talked without a lawyer present? 16 A. Not that I recall. 17 Q. Okay. Did you review any 18 statements in preparation for today or previously 19 by Richard Tornielli? 20 A. The only -- the statement that he 21 released to the media which was -- yesterday was 22 the first time I had seen it. I really steered 23 away from news coverage. I'm not really active 24 in news coverage anyway. I'm probably a little 25 less informed, but regarding to this event, I</p>

<p style="text-align: right;">Page 18</p> <p>1 didn't actively look at any.</p> <p>2 Now, he had emailed the entire</p> <p>3 police department when the district attorney</p> <p>4 decided to squash the charges, and he sent a long</p> <p>5 email to the department. That was the only thing</p> <p>6 that I read from him about this.</p> <p>7 Q. That was from John Adams?</p> <p>8 A. The email was from Chief</p> <p>9 Tornielli. It was his response to the district</p> <p>10 attorney's decision not to pursue the charges.</p> <p>11 Q. And Mr. Tornielli sent a long</p> <p>12 response after that to the department?</p> <p>13 A. Yes.</p> <p>14 Q. Okay.</p> <p>15 A. Well, like, a paragraph. It was</p> <p>16 several sentences.</p> <p>17 Q. Okay. Did you and Chief</p> <p>18 Tornielli speak about this incident?</p> <p>19 A. Briefly, yes.</p> <p>20 Q. When was that?</p> <p>21 A. The first time that we</p> <p>22 communicated -- this incident happened on a</p> <p>23 Saturday morning. The first time I heard from</p> <p>24 him was Tuesday. It was late Tuesday night which</p> <p>25 would have been, I don't know, the 6th of June,</p>	<p style="text-align: right;">Page 20</p> <p>1 with this, you know, these people contacting you,</p> <p>2 and he asked if I wanted to take the rest of the</p> <p>3 week off, Wednesday, Thursday, Friday on</p> <p>4 administrative leave so I didn't have to deal</p> <p>5 with it.</p> <p>6 I believe the feeling at that</p> <p>7 point was these phone calls are going to die down</p> <p>8 quickly. So I said -- I thanked him, and I said</p> <p>9 yes. Yeah. I'll take the admin leave for three</p> <p>10 days, and he said -- he responded okay. That's</p> <p>11 what I would have chosen, too, and that was the</p> <p>12 end of it.</p> <p>13 Q. What does administrative leave</p> <p>14 mean?</p> <p>15 A. Administrative leave can be done</p> <p>16 for different things. In this case, they're</p> <p>17 giving you paid days off. He felt I needed paid</p> <p>18 days off just so I wouldn't have to be at City</p> <p>19 Hall when this happened.</p> <p>20 Now, administrative leave can be</p> <p>21 used if an officer is involved in a shooting.</p> <p>22 They'll give him paid days off until everything</p> <p>23 is cleared. Now, it can be used punitively, too.</p> <p>24 It can be used pending suspension. Obviously,</p> <p>25 that was not the case in my case.</p>
<p style="text-align: right;">Page 19</p> <p>1 and Tuesday was the day that the phone calls</p> <p>2 started coming to my phone. And late that night</p> <p>3 he had sent me a text message about -- because he</p> <p>4 was informed because -- I'm sorry.</p> <p>5 When I first started getting</p> <p>6 phone calls, I told my immediate supervisor which</p> <p>7 is Captain Rogers. Captain Rogers was the</p> <p>8 command duty officer that day, so he called the</p> <p>9 chief because this was after hours and then the</p> <p>10 chief sent me a text message that night about it.</p> <p>11 And there was, like, a</p> <p>12 two-text-message response between me and him or</p> <p>13 he and I and then we spoke briefly about it. I'm</p> <p>14 thinking it was sometime in July or maybe early</p> <p>15 August to the best of my recollection. Yeah.</p> <p>16 Q. What did you discuss in that</p> <p>17 conversation?</p> <p>18 MR. CONLEY: I'm sorry. The text</p> <p>19 conversation or the July conversation</p> <p>20 just for clarity?</p> <p>21 Q. Sure. Let's start with the text</p> <p>22 conversation. What did you discuss there?</p> <p>23 A. The text message came from him,</p> <p>24 and it was kind of a long message, and I remember</p> <p>25 it started out, I'm sorry that you have to deal</p>	<p style="text-align: right;">Page 21</p> <p>1 Q. No one communicated to you that</p> <p>2 this was a punitive measure, correct?</p> <p>3 A. No.</p> <p>4 Q. And this is -- practically</p> <p>5 speaking, this is basically PTO, paid time off,</p> <p>6 that's in addition to your normal paid time off?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. Did you have other</p> <p>9 responsibilities during that time of</p> <p>10 administrative leave?</p> <p>11 A. No.</p> <p>12 MR. CONLEY: Objection to form.</p> <p>13 You can answer.</p> <p>14 A. I'm sorry.</p> <p>15 MR. CONLEY: Just for clarity,</p> <p>16 what kind of responsibility?</p> <p>17 Q. Sure. Let me rephrase. Did you</p> <p>18 have other job responsibilities you were supposed</p> <p>19 to be doing from home during that administrative</p> <p>20 leave?</p> <p>21 A. No, sir.</p> <p>22 Q. Did you review any</p> <p>23 statements -- I'm sorry. I'm getting ahead of</p> <p>24 myself.</p> <p>25 You also told us you had another</p>

<p style="text-align: right;">Page 22</p> <p>1 conversation with Mr. Tornielli, Chief Tornielli 2 in July. What was the substance of that 3 conversation? 4 A. Well, again, I'm not sure if it 5 was sometime in July or early August. It was 6 very brief, and we basically talked -- and, 7 again, this was not a formal meeting. This was a 8 chance encounter in the chief's -- not his 9 office, but the administrative area. 10 And I just said, hey, this 11 is -- this is why I chose to do this, and, you 12 know, this was happening. He's like, you know, I 13 understand. And then we talked really more about 14 the phone calls that were coming in to the police 15 department itself was the majority of the -- it 16 was a short conversation. 17 Q. Did you talk to him about the 18 arrest and why you had done the arrest? 19 A. Yes. I did bring that up. Yes. 20 Q. What did you tell him? 21 A. Well, I said, you know, what 22 happened, that these protesters had showed up 23 before the event started, and -- I mean, do you 24 want me to go into the whole thing now? 25 Q. Tell me what you told the chief.</p>	<p style="text-align: right;">Page 24</p> <p>1 the same thing, so he went back on the sidewalk. 2 And a third guy showed up -- or, 3 I'm sorry, fourth and fifth guy showed up. 4 They're a different group. I told them the same 5 thing. As soon as I got done telling them, I 6 turned to walk away -- or I just turned. I don't 7 even think I took a step, and he continued right 8 up again, and my choice at that point was do 9 I -- I've already set the standard. I've already 10 laid the parameters down. This is what we can 11 do. This is what we can't do. These other 12 people have heard the same thing. They complied. 13 This person didn't comply. 14 So if I don't take action now, 15 does that embolden these people to keep their -- 16 just resume their yelling? Does this group yell 17 back? Does this whole thing turn into a circus 18 is the term I was using, and that's why I decided 19 to make the arrest then and there. 20 Q. What was the chief's response to 21 that explanation? 22 A. I don't recall his exact words 23 other than he thought it was justified. 24 Q. He told you he thought that your 25 actions were justified?</p>
<p style="text-align: right;">Page 23</p> <p>1 A. Okay. And the first, you know, 2 two guys showed up, and they were on the 3 sidewalk, the same side of the sidewalk as the 4 event organizers. I was going over just to talk 5 to the event organizers to say, hey, we're here. 6 We're going to be here. This is what we're doing 7 with traffic. 8 I was not expecting protesters at 9 all. And I told them, I said, hey, you can't be 10 here. You know, they have a permit for this 11 event. They said it's a free country. I said, I 12 get it. It is a free country. And either one of 13 them or me, I don't remember who had the idea, 14 can we go across the street? I think it was one 15 of them. Can we stand across the street? 16 And I said, yeah. Absolutely. 17 That's a great idea. Let's go across the street. 18 And I told them, these are the parameters. You 19 can stay here. You can hold your sign. You can 20 do this. Okay? But if you do these other 21 things, if you're disrupting this event, you're 22 going to get arrested. 23 Another guy showed up. I told 24 him the same thing because he came right into the 25 street right in the midst of them, and I told him</p>	<p style="text-align: right;">Page 25</p> <p>1 A. I don't know if he used those 2 exact words, but that was certainly his meaning. 3 Q. Did you have any other 4 conversations with Chief Tornielli after that 5 conversation in July? 6 A. Any other conversations about 7 this incident itself? 8 Q. Yes. 9 A. Not that I can recall. And, 10 again, I don't remember if that conversation was 11 July or August. I'm not really -- because, like 12 I said, it wasn't a formal meeting. It was more 13 of a chance encounter, so I don't remember. 14 Q. So you mentioned the text 15 messages, and they were sort of about 16 administrative leave? 17 A. Yes. 18 Q. And you had this conversation in 19 July or August. Is it fair to say that for 30 20 days after this incident, you didn't have any 21 conversations with Chief Tornielli about what 22 happened on June 3rd? 23 A. I don't know. The only reason I 24 would say it's not fair to say because I 25 don't -- I'm not a hundred percent sure the dates</p>

<p style="text-align: right;">Page 26</p> <p>1 that I talked to him.</p> <p>2 Q. But you are confident that that</p> <p>3 chance conversation and the text messages are the</p> <p>4 only conversations that you had with Chief</p> <p>5 Tornielli about this incident?</p> <p>6 MR. CONLEY: Objection to form.</p> <p>7 I just want to clarify. You mean, like,</p> <p>8 in-person conversations as opposed to a</p> <p>9 text message conversation. Is that what</p> <p>10 you're saying?</p> <p>11 Q. I'm saying the text messages you</p> <p>12 testified to and the chance encounter</p> <p>13 conversation you had with him are the only</p> <p>14 communication you had with Chief Tornielli about</p> <p>15 this incident. Is that correct?</p> <p>16 A. Near as I can recall. Like,</p> <p>17 there was no, like, formal, the chief, hey, I</p> <p>18 need you to see me now. We're going to talk</p> <p>19 about this. It was nothing like that. No.</p> <p>20 Q. How about anyone working on</p> <p>21 behalf of the chief or the police department or</p> <p>22 the city? Did you have further conversations</p> <p>23 with anyone about the arrest of Damon Atkins or</p> <p>24 the incident on June 3rd?</p> <p>25 A. Well, yes. Again, these are not,</p>	<p style="text-align: right;">Page 28</p> <p>1 you for a statement or a version of events about</p> <p>2 what happened?</p> <p>3 A. No, sir.</p> <p>4 Q. And, to your knowledge, you've</p> <p>5 never been investigated by Reading or the police</p> <p>6 department about what happened on June 3rd, 2023?</p> <p>7 A. No, I was not.</p> <p>8 Q. Did you review any statements by</p> <p>9 Paige Stuart at any time?</p> <p>10 A. No.</p> <p>11 Q. Did you and Officer Stuart speak</p> <p>12 about this incident after it happened?</p> <p>13 A. I'm sure we did. I don't recall</p> <p>14 the tone of the conversation. We would have had</p> <p>15 to have spoken because like I talked to Courtney,</p> <p>16 you know, they're going to do their march, and I</p> <p>17 would have told Paige, hey -- I think Paige was</p> <p>18 at the front of it. Regardless, you're going to</p> <p>19 do this, and when they're done, when they're at</p> <p>20 City Park, we're done. Probably nothing more</p> <p>21 in-depth than that.</p> <p>22 Q. Did you ask her what she had saw</p> <p>23 or observed or anything in preparing your</p> <p>24 criminal complaint?</p> <p>25 A. No.</p>
<p style="text-align: right;">Page 27</p> <p>1 like, formal conversations. These are people</p> <p>2 saying, you know, what happened. One of the</p> <p>3 members of the command staff called me on</p> <p>4 Wednesday morning, Wednesday, which I guess is</p> <p>5 June -- I'm sorry if I'm getting the dates wrong.</p> <p>6 Is it June 7th? And we had a command staff</p> <p>7 meeting which was -- which are Thursday mornings.</p> <p>8 Now, the Thursday after this</p> <p>9 event I was on admin leave for the command staff</p> <p>10 meeting, so I had to go to the -- the traffic</p> <p>11 sergeant at that time was required to go to</p> <p>12 command staff meetings, so it was the following</p> <p>13 Thursday. It was briefly talked about at command</p> <p>14 staff.</p> <p>15 Q. What was discussed?</p> <p>16 A. Well, basically, I'll say nothing</p> <p>17 official. They were -- it was about the phone</p> <p>18 calls coming into the city.</p> <p>19 Q. And did anybody ask you for a</p> <p>20 statement during that meeting about what had</p> <p>21 happened?</p> <p>22 A. No.</p> <p>23 Q. How about after that or any other</p> <p>24 time? Did anybody on behalf of the city or the</p> <p>25 police department or on behalf of the chief ask</p>	<p style="text-align: right;">Page 29</p> <p>1 Q. So I'm going to ask you a</p> <p>2 question I asked everybody yesterday. We've</p> <p>3 received performance evaluation reports for the</p> <p>4 years 2008, '09, '10, '11, '12, '13, '14, '15,</p> <p>5 '17 and '18.</p> <p>6 Did you receive performance</p> <p>7 evaluations in the years that were not provided?</p> <p>8 A. Yes. And I can make a very good</p> <p>9 guess as to why the other ones were not there.</p> <p>10 MR. CONLEY: I don't want you to</p> <p>11 guess.</p> <p>12 THE WITNESS: A very educated</p> <p>13 guess. I can give a very --</p> <p>14 MR. CONLEY: You can provide an</p> <p>15 explanation.</p> <p>16 THE WITNESS: I would have bet</p> <p>17 all the money in my wallet.</p> <p>18 MR. CONLEY: Again, I don't want</p> <p>19 you to guess. Testify to what you know</p> <p>20 about, and I apologize, Counsel. I</p> <p>21 understand this is your deposition, but I</p> <p>22 don't want you to guess.</p> <p>23 MR. READY: That's okay.</p> <p>24 BY MR. READY:</p> <p>25 Q. You can give me your theory if</p>

<p style="text-align: right;">Page 30</p> <p>1 it's an educated theory, and that's fine. And I 2 understand you're not sure. 3 A. Yes. 2016 I know for a fact I 4 did not get any evaluations because the sergeant 5 who was my sergeant was -- didn't do evaluations, 6 and his lieutenant or shift lieutenant at the 7 time didn't make him do evaluations. 8 Around 2019 we changed and 9 implemented a new program at the Reading Police 10 Department called Benchmark, which I'm not going 11 to do it, but I could talk hours about the cause 12 of Benchmark, but Benchmark is used for tracking, 13 use of force incidents and citizen complaints 14 against police officers. For that it's great. 15 For some reason we use it for 16 evaluations. For that it's un-great, which is 17 not a word. So it would seem that whoever was 18 asked to provide my performance evaluations 19 simply got the written evaluations when we used 20 to write them out and print them and did not get 21 the evaluations off Benchmark. Whether they 22 thought that the Benchmark ones were included, I 23 don't know, but they're there. I did get them, 24 and they're on the Benchmark program. 25 Q. So from 2019 to the present, your</p>	<p style="text-align: right;">Page 32</p> <p>1 Q. Okay. I'm going to -- one 2 moment. 3 (A short break was taken.) 4 BY MR. READY: 5 Q. I'm going to represent to you the 6 binder in front of you is a binder discovery that 7 your attorney provided to us in this matter. I'm 8 going to ask you to flip to Reading 202. It's 9 toward the back of the binder. And for the 10 record, when I refer to Reading 202, those are 11 the Bates stamps provided to us in discovery. 12 Do you recognize this document? 13 A. Yes. 14 Q. And what is this document? 15 A. This was my transfer to the 16 traffic unit. It's Chief Tornielli's memo to 17 command staff and other members of the police 18 administration, not officers, that I was 19 transferred to the traffic unit. 20 Q. And was this the first time that 21 you had been assigned to traffic unit? 22 A. Yes, sir. 23 Q. And is this the document that as 24 far as you understand officially made your 25 transfer complete?</p>
<p style="text-align: right;">Page 31</p> <p>1 evaluations have all been done on this Benchmark 2 program? 3 A. Yes, with the exception of '23. 4 I did not get one in '23. 5 Q. You have not yet -- you have not 6 yet been evaluated for 2023. Is that correct? 7 A. I was not given an evaluation. 8 No. Yes. That's correct. 9 Q. When are evaluations normally 10 done? 11 A. They are -- they're supposed to 12 be done in December. Sometimes the deadline will 13 get extended to the middle of January, and 14 usually by the end of January. 15 Q. And you were not evaluated for 16 this past year? 17 A. No. I was not given an 18 evaluation for '23. 19 Q. Do you know why? 20 A. I can't guess. 21 Q. Okay. No one told you that you 22 were not being evaluated or that there was a 23 reason for no evaluation this year? 24 A. That's correct. No one told me 25 that.</p>	<p style="text-align: right;">Page 33</p> <p>1 A. Yes. 2 Q. Okay. As part of the transfer to 3 the traffic unit, what policies and procedures 4 did you have to familiarize yourself with? 5 A. Well, there was -- no policies 6 and procedures that -- it was on-the-job 7 training. March 27th which was a Monday was my 8 first day in traffic, and I was replacing 9 Sergeant Dougherty who had announced his 10 retirement, and March 27th started his final 11 week, so I worked with him for Monday through 12 Friday that week. 13 Q. I'm going to turn your attention 14 to Bates 63 back toward the front. Do you 15 recognize this document? 16 A. Well, it's a general order for 17 special events. 18 Q. Have you reviewed this document 19 before? 20 A. I don't recall if I looked at 21 this. No. 22 Q. Okay. Did you receive any 23 training from the Reading Police Department on 24 special events? 25 A. Not officially. It was just, you</p>

<p style="text-align: right;">Page 34</p> <p>1 know, from being with Sergeant Dougherty for that 2 week.</p> <p>3 Q. Who is your immediate supervising 4 officer as the traffic -- in the traffic 5 division?</p> <p>6 A. My immediate supervisor is the 7 patrol captain which has been Captain Rogers 8 since my transfer to traffic to the present day.</p> <p>9 Q. Do you know why you were assigned 10 to the traffic division?</p> <p>11 A. I applied for it.</p> <p>12 Q. Why did you apply for it?</p> <p>13 A. Well, I spent my entire career in 14 patrol, and I love patrol work. However, in 15 2022, January of '22, we switched from eight-hour 16 shifts to 12-hour shifts, and it wasn't working 17 out for me. Traffic was a Monday through Friday 18 job, eight-hour shifts, and I thought the 19 schedule would work better for me.</p> <p>20 Q. Do you have any disciplinary 21 history with the Reading Police Department?</p> <p>22 MR. CONLEY: Objection to form.</p> <p>23 You can answer.</p> <p>24 A. I was -- yes. Yes.</p> <p>25 Q. When did you receive discipline</p>	<p style="text-align: right;">Page 36</p> <p>1 I thought they were just talking. When I 2 realized it was an argument and it was pretty 3 serious, I told them, you know, that's enough. 4 You guys got to stop. And the one said -- I 5 said, you guys got to stop before this gets 6 worse, and the one said, well, it's about to get 7 a lot worse.</p> <p>8 Long story short, they wouldn't 9 stop arguing until another patrolman came over 10 and separated. It was nothing physical. They 11 were just arguing, and another supervisor heard 12 it but didn't respond to it. Somehow I got 13 written up for it because they wouldn't listen to 14 me when I told them to stop arguing, and I got a 15 written reprimand.</p> <p>16 Q. And what was the reprimand in 17 2021?</p> <p>18 A. '21, an officer had arrested 19 somebody for a PFA violation, protection from 20 abuse violation, and he had -- I was not on scene 21 for this. I was merely the shift commander that 22 day, but he had put the person's wallet and phone 23 on top of his police car, like, after he had 24 searched him incident to arrest, and he was 25 waiting for a transport wagon.</p>
<p style="text-align: right;">Page 35</p> <p>1 by the Reading Police Department?</p> <p>2 A. Well, one would have been 3 sometime maybe -- well, it was an incident that 4 occurred on January, I believe, 8th of 2012, so 5 the discipline would have come maybe around March 6 of 2012.</p> <p>7 Q. And what was that for?</p> <p>8 A. Well, that was -- my police car 9 got stolen.</p> <p>10 Q. Why were you disciplined for the 11 car getting stolen?</p> <p>12 A. Well, because I left the car 13 running and the door was unlocked, and I didn't 14 keep eyes on the car.</p> <p>15 Q. After that time did you have 16 other discipline from the Reading Police 17 Department?</p> <p>18 A. I know I did. I have at least 19 one written reprimand from 2017 and I think one 20 from 2021.</p> <p>21 Q. And what was the one from 2017 22 for?</p> <p>23 A. 2017 was I walked into the midst 24 of an argument between two patrolmen which I 25 didn't recognize that they were arguing at first.</p>	<p style="text-align: right;">Page 37</p> <p>1 And the wait time was kind of 2 long because the wagon driver was busy, and the 3 wagon got there. They put the prisoner in the 4 wagon, and the officer forgot to give the phone 5 and the wallet back and drove off without it.</p> <p>6 When he realized his mistake, he 7 found the wallet but couldn't find the phone, and 8 when he told me, I said, make sure you document 9 that in your report. What I should have said was 10 document that on, you know, a police memo which 11 we call E8. So I was given a written reprimand 12 for that for telling him to document it in the 13 wrong place.</p> <p>14 Q. Did you receive any other 15 discipline from the Reading Police Department?</p> <p>16 A. Not that I can recall.</p> <p>17 Q. What was the reason for your 18 discharge from the United States Marine Corps?</p> <p>19 A. I was -- I tested positive on a 20 drug test in 1992.</p> <p>21 Q. What did you test positive for?</p> <p>22 A. It was cocaine.</p> <p>23 Q. Have you used cocaine in the last 24 four years?</p> <p>25 A. No.</p>

<p style="text-align: right;">Page 38</p> <p>1 Q. Have you used any other illegal 2 drug in the last four years?</p> <p>3 A. No, sir.</p> <p>4 Q. You heard some of the questions 5 yesterday. I'm going to run through a few of 6 them. What training did you receive from the 7 police academy about the First Amendment?</p> <p>8 A. Well, we did have training on the 9 amendments in the academy. I don't recall 10 specifically the First Amendment. The one I 11 remember the most being emphasized in the academy 12 was the Fourth Amendment.</p> <p>13 Q. Do you remember your training on 14 the First Amendment from the academy?</p> <p>15 A. No. Not specifically.</p> <p>16 Q. Do you remember any training at 17 the academy on differentiating between protected 18 versus unprotected speech?</p> <p>19 A. No, sir. I don't.</p> <p>20 Q. Since being in the academy have 21 you received any training from the Reading Police 22 Department on the First Amendment?</p> <p>23 A. Not that I can recall.</p> <p>24 Q. What training have you received 25 on the offense of disorderly conduct?</p>	<p style="text-align: right;">Page 40</p> <p>1 a copy of the disorderly conduct statute. I've 2 highlighted part of it, but if you want to review 3 it.</p> <p>4 A. Right. So under the grading 5 section, persists in the conduct after reasonable 6 warning or request to desist. On the other 7 section of -- you know, of the intent is to cause 8 substantial harm or serious inconvenience.</p> <p>9 Q. So the reason that you would 10 charge it as a misdemeanor rather than a summary 11 is because of repeated conduct, you said, and any 12 other reason?</p> <p>13 MR. CONLEY: Objection to form. 14 I don't believe that was his testimony, 15 but you can answer.</p> <p>16 Q. Well, let me ask you then again. 17 Maybe I misunderstood.</p> <p>18 What would be the reasons then 19 based on the statute and your experience that you 20 would charge disorderly conduct as a misdemeanor 21 rather than as a summary offense?</p> <p>22 A. Well, I would go by -- and I have 23 charged as a misdemeanor before, and I would go 24 by the crimes code. If it's -- you know, if the 25 intent is to cause harm or inconvenience or if</p>
<p style="text-align: right;">Page 39</p> <p>1 A. Just what -- you know, during the 2 crimes code in the academy and also from being in 3 the field training program with -- you know, with 4 the training officer.</p> <p>5 Q. What did you learn from the 6 police academy about the offense of disorderly 7 conduct?</p> <p>8 A. Well, in the academy when we do 9 crimes code, it's strictly reading from crimes 10 code and just taking it from the crimes code. It 11 was certainly not -- not that I can recall an 12 in-depth block of instruction on that specific 13 charge.</p> <p>14 Q. Do you agree with Chief 15 Torielli's statement yesterday that disorderly 16 conduct is usually a summary offense?</p> <p>17 A. Normally it's a summary. Yes.</p> <p>18 Q. Why is it charged as a 19 misdemeanor in some circumstances?</p> <p>20 A. Well, it can be charged by a 21 misdemeanor. One of the things would be repeated 22 or police warnings that the person didn't comply 23 with. Without looking at the crimes code, I 24 wouldn't know it exactly. Thank you.</p> <p>25 Q. I'm going to put in front of you</p>	<p style="text-align: right;">Page 41</p> <p>1 the person persists after reasonable warning or 2 request to desist.</p> <p>3 Q. And how do you differentiate 4 between someone who has a right to persist in the 5 conduct and someone who doesn't in making that 6 determination for charging purposes?</p> <p>7 MR. CONLEY: Object to form. You 8 can answer.</p> <p>9 A. I'm sorry. Are you saying how do 10 I differentiate the conduct where somebody who 11 has a right to?</p> <p>12 Q. You said that if there's a 13 reasonable request to stop, but of course people 14 ask people to stop doing things all the time that 15 they have a right to do. So how do you as an 16 officer make the determination about what's 17 protected conduct or speech in making a 18 determination to charge?</p> <p>19 MR. CONLEY: Same objection. You 20 can answer.</p> <p>21 A. That's just something you're 22 going to have to decide as the circumstances are 23 given. Like, every situation is different.</p> <p>24 Q. Are there any guidelines that you 25 had been taught to use in making that</p>

<p style="text-align: right;">Page 42</p> <p>1 determination?</p> <p>2 A. Unless it was something I learned</p> <p>3 from a training officer, I don't remember</p> <p>4 anything official. The officers in our</p> <p>5 department are given a great amount of -- or are</p> <p>6 encouraged to use their discretion. So when</p> <p>7 we're deciding to -- and I'm not just saying it</p> <p>8 because I was a sergeant when this happened, I'm</p> <p>9 talking about the patrolmen as well at their</p> <p>10 level.</p> <p>11 There's really -- nobody is</p> <p>12 looking over their shoulder. You're expected to</p> <p>13 make and evaluate each incident as it's</p> <p>14 happening, make your decision based on that</p> <p>15 incident. It's hard to put, like, everything in</p> <p>16 a box and say when this happens, you do this or</p> <p>17 when this happens, you do this. You're just</p> <p>18 going to have to deal with them as they come up.</p> <p>19 Q. I'm going to draw your attention</p> <p>20 to what is Bates number Reading 78. I'll take</p> <p>21 this back. And do you recognize this document?</p> <p>22 A. Well, I recognize it as a general</p> <p>23 order on constitutional requirements from reading</p> <p>24 it. Yes.</p> <p>25 Q. Do you recall when you first</p>	<p style="text-align: right;">Page 44</p> <p>1 regularly?</p> <p>2 A. Well, the ones that I review the</p> <p>3 most, first-line supervisor's responsibilities,</p> <p>4 pursuit policy. Those are the ones that are</p> <p>5 sticking in my head right now. Probably some of</p> <p>6 the newer ones, the updated ones. I can't think</p> <p>7 of any right now.</p> <p>8 Q. Did you review this one on</p> <p>9 constitutional requirements since your time in</p> <p>10 the academy?</p> <p>11 A. No. Not that I can recall.</p> <p>12 Q. I'm going to turn your attention</p> <p>13 to number 97. Again, that's Reading 97. I'll</p> <p>14 represent to you this is the general order on</p> <p>15 arrest authority. So, first, do you recognize</p> <p>16 this document?</p> <p>17 A. Yes.</p> <p>18 Q. And have you reviewed this since</p> <p>19 your time in the academy?</p> <p>20 A. I don't recall that. Well, no.</p> <p>21 I don't recall.</p> <p>22 Q. Sorry. You don't recall if</p> <p>23 you've read it, or are you saying you don't think</p> <p>24 you read it?</p> <p>25 A. Well, when I was -- at one point</p>
<p style="text-align: right;">Page 43</p> <p>1 reviewed this general order?</p> <p>2 A. Well, I was given general orders</p> <p>3 when I was in the orientation which is two weeks</p> <p>4 from graduation to the academy to the day that</p> <p>5 you start with your training officer.</p> <p>6 Q. That was in 2007, correct?</p> <p>7 A. Yes, sir.</p> <p>8 Q. Have you received updated copies</p> <p>9 of any of these general orders since 2007?</p> <p>10 A. If I -- yes. We receive general</p> <p>11 order updates fairly regularly. Now, they're</p> <p>12 given out at roll call by whoever the shift</p> <p>13 commander is that day, and each officer is to</p> <p>14 sign and date them. You're signing that you've</p> <p>15 not only received a copy, but you're also signing</p> <p>16 that you've read it, too.</p> <p>17 Q. These general orders, how often</p> <p>18 would you say that you review them?</p> <p>19 A. Some of them I've never reviewed.</p> <p>20 Some I review -- I'm trying to give you more</p> <p>21 exact. I won't say regularly because -- some of</p> <p>22 them I've reviewed a couple times a year just</p> <p>23 depending on -- some of them are more -- are used</p> <p>24 more often on a day-to-day basis.</p> <p>25 Q. Which ones do you review</p>	<p style="text-align: right;">Page 45</p> <p>1 for about a year and a half, maybe two years I</p> <p>2 was the director of the training program for the</p> <p>3 new officers on the street, and we had a general</p> <p>4 orders class, which I would take the new officers</p> <p>5 over general orders. And certainly as I'm paging</p> <p>6 through this, arrest without warrant is, yes,</p> <p>7 something that we do discuss, so I have reviewed</p> <p>8 it as part of that.</p> <p>9 Q. And we discussed this a little</p> <p>10 bit yesterday when you were present. There's a</p> <p>11 reference on 98. It says separately issued</p> <p>12 guidelines under C(2). Are you aware of any</p> <p>13 separately issued guidelines on the arrest</p> <p>14 without a warrant authority for the Reading</p> <p>15 Police Department?</p> <p>16 A. I am not.</p> <p>17 Q. Okay. So you would agree that</p> <p>18 this Section C is the full policy of the Reading</p> <p>19 Police Department as you understand it on arrest</p> <p>20 without a warrant?</p> <p>21 MR. CONLEY: Objection to form.</p> <p>22 You can answer.</p> <p>23 A. Yes.</p> <p>24 Q. So I want to turn your attention</p> <p>25 to Reading 143. Do you recognize this document?</p>

<p style="text-align: right;">Page 46</p> <p>1 A. Yes. Yes.</p> <p>2 Q. And what is this?</p> <p>3 A. Well, that we had to take online</p> <p>4 training, Calibre Press's, a company that</p> <p>5 provides online training to police departments,</p> <p>6 so this is the implicit bias one from 2020.</p> <p>7 Q. What did the implicit bias</p> <p>8 training teach you?</p> <p>9 A. Well, the best I can recall,</p> <p>10 basically to not have biases. Like, everybody</p> <p>11 comes into a situation with their own biases, and</p> <p>12 you're not -- you're supposed to overlook them</p> <p>13 and judge the people and the situations as they</p> <p>14 are, not from preconceived notions that you may</p> <p>15 have.</p> <p>16 Q. What sorts of groups were you</p> <p>17 taught to look for implicit bias against?</p> <p>18 MR. CONLEY: Objection to form.</p> <p>19 You can answer.</p> <p>20 A. Well, I don't recall exactly, but</p> <p>21 it seems it would be due with race, religion,</p> <p>22 gender, ethnicity and also handicap, mental</p> <p>23 health as well.</p> <p>24 Q. What did they teach you in</p> <p>25 regards to recognizing implicit bias with regards</p>	<p style="text-align: right;">Page 48</p> <p>1 This was, like, a seminar that was given by some</p> <p>2 outside group.</p> <p>3 Q. Okay. Rather than directives,</p> <p>4 what recommendations did they make for overcoming</p> <p>5 your implicit bias?</p> <p>6 MR. CONLEY: Objection to form.</p> <p>7 You can answer.</p> <p>8 A. Well, the same ones that I</p> <p>9 mentioned in this one. Like, you have to drop</p> <p>10 your biases. You can't -- this person is a guy</p> <p>11 who dresses like a girl. Well, you've got to</p> <p>12 treat them like a girl if he thinks he's a girl,</p> <p>13 that sort of thing. And, again, that's not</p> <p>14 coming from the police department. That's this</p> <p>15 outside agency telling us this.</p> <p>16 Q. What did the agencies tell you</p> <p>17 about or recommend to you about how to overcome</p> <p>18 your implicit bias in regards to religion?</p> <p>19 MR. CONLEY: Objection to form.</p> <p>20 A. I don't recall that being a part</p> <p>21 of it.</p> <p>22 Q. Have you received any training</p> <p>23 from the police department or any of these</p> <p>24 outside groups on hate speech?</p> <p>25 MR. CONLEY: Objection to form.</p>
<p style="text-align: right;">Page 47</p> <p>1 to religion?</p> <p>2 A. Well, I don't recall the</p> <p>3 specifics of the class. No.</p> <p>4 Q. Did they teach you about</p> <p>5 recognizing implicit bias in regards to</p> <p>6 individuals who identify as LGBTQ?</p> <p>7 A. Well, we had that training. I</p> <p>8 don't know if it was included in this or if it</p> <p>9 was another training, an in-person training that</p> <p>10 we had, but we had that at some point.</p> <p>11 Q. Okay. And what was that training</p> <p>12 about? What did it teach you?</p> <p>13 A. Again, that's not this one. You</p> <p>14 want me to talk about the in-person one?</p> <p>15 Q. Sure.</p> <p>16 A. Well, that one had to do with you</p> <p>17 can't treat people different because they</p> <p>18 identify a certain way, and that was really the</p> <p>19 whole thing. It didn't seem to be wholly</p> <p>20 relevant to policing itself. It was more of a</p> <p>21 class that could be given to any group of people.</p> <p>22 Q. What were the directives that the</p> <p>23 officers received at that training on how to</p> <p>24 overcome your own implicit bias?</p> <p>25 A. Well, there were no directives.</p>	<p style="text-align: right;">Page 49</p> <p>1 You can answer.</p> <p>2 A. I don't recall. It's certainly</p> <p>3 possible, but I don't recall at this time.</p> <p>4 Q. Just to be clear, you're saying</p> <p>5 it's possible you received that training, but you</p> <p>6 don't recall it as you sit here today?</p> <p>7 A. Yes. That's what I mean.</p> <p>8 Q. Okay. I want to ask you about</p> <p>9 the event that you recall, too. What was your</p> <p>10 involvement, if any, in approving the permit for</p> <p>11 the Reading Pride Celebration?</p> <p>12 A. Well, I was present at the</p> <p>13 meetings with my secretary Audra and the mayor's</p> <p>14 assistant and also the head of the pride group.</p> <p>15 My involvement at those meetings, I don't say</p> <p>16 much. They make their plans and say what they</p> <p>17 want to do, and when they ask me what police are</p> <p>18 needed for this, then I'll give my</p> <p>19 recommendation. It's my decision then to decide</p> <p>20 how many officers are going to be working it and</p> <p>21 also ultimately approving the event has to meet</p> <p>22 certain standards for it to be approved.</p> <p>23 Q. Who is Enrique Castro, Jr.?</p> <p>24 A. I think Enrique is the -- he's</p> <p>25 the head of the pride group or the representative</p>

<p style="text-align: right;">Page 50</p> <p>1 of the pride group. He's the one that always 2 shows up at City Hall. 3 Q. So he was involved in those 4 meetings for the celebration? 5 A. I met with him one time. 6 Q. What concerns were expressed to 7 you about the Reading Pride Celebration 8 internally at the Reading Police Department? 9 MR. CONLEY: Objection to form. 10 A. The first one was that he didn't 11 want to have it in Reading because the venue that 12 they had previously used at Center Park he said 13 was too small. I had nothing to do with previous 14 ones, so I had no comment on that, and that he 15 wanted to take the whole thing to Muhlenberg 16 Township. 17 And the mayor -- the mayor's 18 assistant said the mayor said no. Have it in 19 Reading. We'll raise a flag for you at City 20 Hall. You can march to City Park and have a 21 party or whatever there. And his concern was he 22 was worried about getting -- like, people 23 harassing them was the only thing he said to me. 24 Q. Mr. Castro was concerned about 25 that?</p>	<p style="text-align: right;">Page 52</p> <p>1 You can answer. 2 Q. While you were present, no one 3 attempted to talk him out of that concern or say 4 we'll do this or that to respond? 5 A. No, because it didn't -- it 6 seemed more like an off-the-cuff comment, like, 7 towards the end of the meeting. It didn't -- it 8 wasn't like he forcefully brought this up. It 9 was just -- it just seemed almost like a 10 throwaway comment. 11 Q. What other meetings were you a 12 part of leading up to the event, if any, to 13 prepare for it? 14 A. I met one other time with just 15 Delores who was the mayor's assistant and Audra 16 just to finalize what was supposed to go on, and 17 there was concerns about -- I raised concerns 18 about staffing with them. 19 Q. What was your concern about 20 staffing? 21 A. Well, Delores had told me that 22 the pride group had gotten a grant to pay for ten 23 police officers. I said that that doesn't 24 matter. Nobody is going to want to work this 25 event. We're not going to get anybody to work</p>
<p style="text-align: right;">Page 51</p> <p>1 A. Yes, sir. 2 Q. Did he tell you what kind of 3 harassment he was worried about? 4 A. No. 5 Q. Do you know if that was based on 6 prior experiences or did he say why? 7 A. No. 8 Q. Okay. And did he express any 9 other concerns about having the event in Reading? 10 A. No. 11 Q. What was the mayor's response to 12 the concerns about harassment? 13 A. I don't know. 14 Q. Were you present in the meeting 15 when anyone responded to the concerns about 16 potential harassment? 17 A. No. 18 Q. So if I understand you correctly, 19 Mr. Castro just kind of raised the concern that 20 there might be people who would harass them if 21 they did this celebration? 22 A. Yes. 23 Q. No one attempted to assuage that 24 concern? 25 MR. CONLEY: Objection to form.</p>	<p style="text-align: right;">Page 53</p> <p>1 this. That was my concern, that nobody would 2 work it. 3 Q. Why were you concerned that no 4 one would work the event? 5 A. Because, quite frankly, a pride 6 celebration is not anything that -- most police 7 officers wouldn't want to work. They wouldn't 8 want to even be involved in it. They wouldn't 9 want to be there. 10 Q. Why? 11 A. Well, I can't answer for 12 everybody else. I only know that it just would 13 not be a popular event, and I knew that and -- 14 which is exactly what happened. I put it out for 15 overtime, and nobody took it. 16 Q. Why did you suspect that? Was 17 that because of a prior event you had been 18 involved in? Is that just based on your 19 conversations with other officers? 20 A. I had never been involved in a 21 prior pride event. At this time I was fairly new 22 in traffic. I worked some special events before. 23 Officers like to work certain types of events. 24 Others they don't like to work. And a pride 25 celebration, I knew this isn't -- this is not</p>

<p style="text-align: right;">Page 54</p> <p>1 going to be -- people are not going to take this 2 detail.</p> <p>3 Q. How many officers agreed to work 4 that day -- or let me rephrase that.</p> <p>5 How many officers did work the 6 pride event that day specifically?</p> <p>7 A. Three.</p> <p>8 Q. And those are the three officers 9 we've discussed in this case?</p> <p>10 A. Yes.</p> <p>11 Q. Did you have any other 12 conversations leading up to the event about 13 preparations for it?</p> <p>14 A. Just traffic-related questions. 15 That was all I thought their involvement -- or 16 our involvement was going to be. I only worked 17 the event because nobody else did initially, and 18 I felt, Jesus, head of traffic, that would look 19 really bad if at least I didn't show up.</p> <p>20 Afterwards Dupree and Stuart 21 agreed to work it, and I talked to them in the 22 days prior. Not Dupree. I wouldn't have seen 23 her. She was night shift, but Paige Stuart I 24 talked to two days prior, and I said, this is 25 going to be simple. They're going to raise this</p>	<p style="text-align: right;">Page 56</p> <p>1 She makes sure if you want to do this, you got to 2 do this. You have to provide us with insurances 3 or whatever, whatever she does. Every policy 4 that needs to be followed to hold a special 5 event, she handles all of that.</p> <p>6 When she gets everything she 7 needs, she'll give this to me. This is not the 8 permit itself, but this is -- she'll give this to 9 me when she has -- the group has complied and 10 provided all the information needed. So at that 11 point I sign it and then she takes this, and from 12 this she'll make the permit. I don't see it 13 here, but I do have a signed one somewhere.</p> <p>14 That's it. Yeah. Okay.</p> <p>15 Q. You talked about some of the 16 policies and procedures for a permitted event. 17 What policies and procedures do they have to 18 follow to get a permit?</p> <p>19 A. Well, whatever is on this form 20 here. They have to -- I know at least one 21 representative of the group has to provide a 22 photo ID. They may have to pay deposits for 23 equipment. They may have -- they have to write 24 down if they want police or who's handling trash 25 or electric or things -- there's various things</p>
<p style="text-align: right;">Page 55</p> <p>1 flag. Ten minutes they're going to talk. 2 They're going to walk to City Park, and we're 3 done. That's it.</p> <p>4 MR. CONLEY: Do you need a break? 5 You can take a break if you need it.</p> <p>6 BY MR. READY:</p> <p>7 Q. Were you involved -- I'm going to 8 turn your attention to Reading 18 in front of 9 you, and I'll represent to you this is just the 10 permit for the event.</p> <p>11 A. Okay.</p> <p>12 Q. Were you involved in approving 13 this permit in any way?</p> <p>14 A. Yes. I have to approve all 15 permits.</p> <p>16 Q. So on Reading 21, is that your 17 signature?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. And what do you do in 20 deciding to approve a permit like this?</p> <p>21 A. Well, there's -- to hold a 22 special event they have to meet certain 23 standards. Now, Audra Schreiner, the traffic 24 secretary, does all the coordination with the 25 groups. She makes sure -- she's very efficient.</p>	<p style="text-align: right;">Page 57</p> <p>1 that they do. Picking rain dates, what time it's 2 going to happen, specifically what are they 3 doing, how many people they're expecting.</p> <p>4 Q. You were designated as the chief 5 of police's coordinator for police coverage for 6 this event. Is that correct?</p> <p>7 A. Yes. And that would be correct 8 for any special event.</p> <p>9 Q. There was a public address system 10 that was specifically approved for this event, 11 correct?</p> <p>12 A. I don't recall. That's possible 13 it was.</p> <p>14 Q. Let me ask a different way. 15 Normally when a PA address system is going to be 16 used, they do have to get that approved through 17 this process, correct?</p> <p>18 A. That, I don't know.</p> <p>19 Q. I'm going to turn your attention 20 to Reading 51. This appears to be a memorandum 21 regarding this event. Is that correct?</p> <p>22 A. Yes.</p> <p>23 Q. What's the purpose of this memo?</p> <p>24 A. This memo here goes to public 25 works, and it's saying where we want wooden</p>

<p style="text-align: right;">Page 58</p> <p>1 barricades, the location and specifically which 2 corner of the intersection. 3 Q. I see your name down here at the 4 bottom, Sergeant Bradley McClure, number 668? 5 A. Yes. 6 Q. Does this mean that you authored 7 this memo? 8 A. No. I didn't author this memo. 9 Audra writes these. 10 Q. Okay. Up in the top it also says 11 from Sergeant Bradley McClure. 12 A. So -- I'm sorry. 13 Q. That's okay. Does that mean it 14 comes from your office? 15 A. Yes. So I just want to clarify 16 there. When the permit is ready and we're ready 17 to notify public -- when I say we, I mean Audra 18 and I. She and I go over the barricade list and 19 make sure -- or she runs it by me and makes sure 20 that I have all the spots covered. And once she 21 and I agree on it, then she sends this memo to 22 public works. 23 Q. So you did personally direct the 24 number of barricades listed here, correct? 25 A. I'm sorry?</p>	<p style="text-align: right;">Page 60</p> <p>1 Q. What's the purpose of the 2 barricades? 3 A. In this situation on this sheet 4 was for traffic control. 5 Q. All right. 6 MR. CONLEY: Can we go off the 7 record for a second? 8 MR. READY: Yeah. 9 (A discussion was held off the 10 record.) 11 BY MR. READY: 12 Q. We're back on the record. I'm 13 going to show you what has been marked as 14 Sergeant Bradley T. McClure video number one. 15 This is the first of two body cam segments that 16 were produced to us in discovery. I'm going to 17 play it from the beginning. So, first of all, 18 you've seen this footage before, correct? 19 A. Yes, sir. 20 Q. And this is a true and accurate 21 reflection of the body camera footage from your 22 unit that day? 23 A. Yes, sir. 24 Q. Do you know approximately what 25 time this footage began?</p>
<p style="text-align: right;">Page 59</p> <p>1 Q. Did you personally decide how 2 many barricades were going to be placed? 3 A. Yes. 4 Q. And this memo was drafted by your 5 assistant but on your behalf. Is that correct? 6 A. Yes, sir. 7 Q. Okay. You may not have seen it 8 before it went out, though. Is that what you're 9 saying? 10 MR. CONLEY: Objection to form. 11 You can answer. 12 A. I probably don't see the final 13 version. I don't think that's normal. 14 Q. When we talk about barricades 15 here, would you describe what that is? What's a 16 barricade? 17 A. Yes. These are -- we use two 18 types of barricades. Either -- in this case, 19 these are wooden barricades which would be -- I 20 don't know -- the kind that has one long piece of 21 wood and then two legs that you have to assemble. 22 That's normally what we use for events unless 23 we're expecting, like, major problems. Sometimes 24 we use public works trucks. On this case we 25 weren't, so we just used the wooden barricades.</p>	<p style="text-align: right;">Page 61</p> <p>1 A. Well, the time up there says 2 9:52. I don't know -- I'm sure that's accurate. 3 Q. As far as you know -- 4 A. Yes. 5 Q. -- the time stamp was correct? 6 A. Yes. I've never heard anything 7 about our time stamps being off. 8 Q. So we're at the 30-second mark, 9 and I'm going to continue playing. 10 (Video being played.) 11 Q. I'm going to stop it at 1:24. So 12 we talked about some of the distortions that body 13 camera footage can do? 14 A. Right. 15 Q. Are there any of those 16 distortions that you think affect a proper 17 understanding of that interaction? 18 A. Well, just distances look to be 19 much farther than -- like, looking from here, 20 City Hall looks much farther away than it is, and 21 you can tell from that because the building looks 22 kind of bent. And other than that, it can't see, 23 you know, their faces. I'm getting a chest-level 24 view of them. 25 Q. And what about the face -- that</p>

<p style="text-align: right;">Page 62</p> <p>1 was Matthew Wear who you were interacting with. 2 Is that correct? 3 A. I never got his name. 4 Q. Okay. Do you know at this time 5 whether that was Matthew Wear as you sit here 6 today? 7 A. Only that you've told me that. 8 Q. Okay. All right. So outside of 9 this conversation, you're not aware of that -- 10 A. No. 11 Q. -- individual's name? Okay. 12 Have you ever interacted with 13 that individual before? 14 A. No. No. That was my first. 15 See, the body cam should have went on earlier and 16 so it doesn't capture my first interactions, but 17 I believe that was my first with him. It wasn't 18 my first interaction of the day. 19 Q. So let me just clarify quickly. 20 You've never interacted with that individual on 21 this day or before this interaction? 22 A. Right. And what I want to 23 clarify a little bit is the way that -- my 24 interaction with him there is certainly not 25 typical. Now, on these purposes it looks like,</p>	<p style="text-align: right;">Page 64</p> <p>1 whole day's events. 2 Q. What did Chief Tornielli -- when 3 did Chief Tornielli put out that new policy? 4 A. I don't remember exactly, but at 5 some point in the weeks thereafter. 6 Q. So you mentioned there were prior 7 interactions. Would you describe when those 8 interactions began in the morning? 9 A. Sure. And I mentioned a little 10 of them earlier, and it was about -- I'm going to 11 say about 9:30 in the morning. This event had 12 not started. Can I point at the screen? 13 Q. Sure. 14 A. Do you mind? So our City Hall 15 parking lot is back here, and -- 16 Q. I'm going to stop you for a 17 second. 18 A. I get it. 19 Q. It's okay. You're fine. Because 20 our court reporter is blind, so to speak, we're 21 going to ask you to describe it as if you're on 22 the phone, so go ahead. 23 A. Okay. So I'm looking at City 24 Hall. City Hall is on my left. There is a white 25 car and a black car parked on the left side of</p>
<p style="text-align: right;">Page 63</p> <p>1 hey, this is your first body cam footage. This 2 is your first interaction. This is the way you 3 come off to people. 4 If that's the case, I wouldn't 5 have lasted 16 years as a police officer. I just 6 wouldn't have, and I never would have been 7 promoted. This was my first interaction with 8 him, but not my first interaction with protesters 9 that day, and I think -- well, I know what we're 10 seeing here is a little frustration is starting 11 to arise in me. 12 Q. You said the body cam should have 13 went on earlier. Did you attempt to turn it on 14 earlier? 15 A. No. And I'll clarify that, too. 16 According to our policy, it didn't need to go on 17 earlier. Looking back on this event, and, you 18 know, hindsight is, you know, so much easier, I 19 wish I would have turned it on -- like Chief 20 Tornielli said yesterday, after this event he put 21 out a directive that when we're dealing with 22 events like this, just run it the whole time. 23 And I wish I had run it the whole time, although 24 that was not policy at the time, and it certainly 25 would have given a more accurate depiction of the</p>	<p style="text-align: right;">Page 65</p> <p>1 the screen. Immediately after that black car 2 there is a road. That's Cedar Street, and that 3 leads to the back parking lot of City Hall. So 4 by 9:30 that morning -- well, Stuart, Dupree and 5 I came in at 8:30, and the purpose for that was 6 to make sure we had no parking signs posted on 7 Washington Street and North 8th Street in front 8 of City Hall. We have to make sure that there's 9 no cars that need towed. There wasn't. 10 9:30 we were in the back parking 11 lot, and I said to them, I'm going to go talk to 12 the event organizers and make sure that they 13 know, you know, where we're going to be, what 14 we're going to do, and how this whole thing is 15 going to go. 16 So I walked up that road that I 17 just described, and I came out right where that 18 black car is, and I walked along the front of 19 City Hall to where -- the front steps here, not 20 quite to where that podium is, and there was two 21 men there holding signs, and they're the ones 22 that are seen in this video that we just saw in 23 the video. We see three of them. 24 The two that I didn't talk to 25 were on the sidewalk right there, and that</p>

<p style="text-align: right;">Page 66</p> <p>1 was -- and I was surprised. Like I said before, 2 I was not expecting this to be that type of 3 event. I thought that this is -- it was proposed 4 to me as a ten-minute flag raising. They're 5 going to raise this flag and then they're going 6 to walk 8th to Penn, Penn to City Park, and it's 7 done. 8 I was not expecting any trouble, 9 so -- I was not expecting any protest whatsoever. 10 So they were standing there. They're holding 11 signs. They weren't yelling or anything like 12 that. They were standing there holding their 13 signs. And, I said, well, like, we're not doing 14 this. Guys, this is not going to be one of those 15 type of events. This is -- they're going to do 16 this. 17 This is the conversation I talked 18 about earlier. Hey, it's a free country. I 19 said, true, but they have a permit to be in this 20 section. You don't. So, you know, you're going 21 to have to -- I don't remember my exact wording 22 When I say you're going to have to leave, I 23 certainly don't mean you have to leave the area. 24 Leave the immediate sidewalk area there. 25 And that's where they said, we're</p>	<p style="text-align: right;">Page 68</p> <p>1 while I'm working. I wouldn't do it off duty 2 either. 3 Q. Why do you feel you can't get 4 involved in that kind of conversation when you're 5 working? 6 A. Well, when we're working these 7 events and our personal feelings on the group 8 that's holding the event, they're not relevant to 9 what we have to do. We have a job to do, so 10 regardless of what the group is, this thing has 11 been approved. This event is going to happen, 12 and we're there to make sure that it happens as 13 smoothly as possible, and that's it. It would be 14 inappropriate for us to even get into a debate 15 about anything. 16 Q. So after you asked the two 17 gentlemen to cross the street and stand on the 18 sidewalk -- 19 A. Yes. 20 Q. -- they asked you about that 21 location. You approved that spot for them. Is 22 that right? 23 A. Oh, yes. Yeah. 24 Q. And when you saw the third 25 protester who I'm identifying for you as Mr.</p>
<p style="text-align: right;">Page 67</p> <p>1 going to go across the street. I said, that's 2 great, and I walked across the street with them. 3 And they tried to, you know, drag me into some 4 religious debate or, you know, do you agree with 5 what's going on here? 6 Now, my personal beliefs are not 7 relevant when I'm working. Like, I have a job to 8 do, and my job is to make sure that this event 9 goes off safely or without problems because I 10 know that when these events happen and there's no 11 problems, nobody cares, right? But when there's 12 a problem, they want somebody to blame. Who gets 13 the blame? Middle management. So it's always 14 going to come back to me whether I'm there or 15 not. It doesn't matter what the problem is. 16 So I want this to go off as 17 smoothly as possible. I get them across the 18 street, and this is where I laid the parameters 19 down. This is your spot. You can be here. You 20 can hold your sign. If you're walking out into 21 the street where they're going to be, if you're 22 disrupting this event in any way, then you're 23 going to get arrested. And they tried to 24 continue the conversation. I can't. Like, I 25 can't get involved in that type of conversation</p>	<p style="text-align: right;">Page 69</p> <p>1 Wear, the YouTuber. 2 A. Yes. 3 Q. That's okay. Why did you -- this 4 was your first interaction with him. It's on 5 body cam one? 6 A. Yes. 7 Q. Why did you feel the need to 8 discuss with him? 9 A. Well, when he first came, he came 10 from -- this camera view right now at the screen 11 as we're looking at it now is facing east in the 12 800 block of Washington. I was walking west in 13 the 800 block of Washington, and he was 14 coming -- when I say towards me, I don't mean at 15 me, but towards the direction that I was coming 16 from, and he walked into the street right away, 17 and he was yelling something. 18 I'm like, okay. We can't have 19 this I was saying, thinking to myself. Like, 20 here's another one. Now somebody else is showing 21 up. So that was -- I immediately went to him. 22 So my thought process in this is, listen, if I 23 tell them right away this is the way it's going 24 to be, there's no ambiguity. This is what we're 25 doing. This is what they're doing, and this is</p>

<p style="text-align: right;">Page 70</p> <p>1 how it's going to be, that's it. I'll have fewer 2 problems that way. 3 We only had three officers 4 working this detail. It was Stuart, Dupree and 5 I, and I did not -- and at this point already, 6 now I'm worried -- I went from not expecting any 7 problems, now I'm worried about how many of these 8 other guys are going to show up? Are the pride 9 people going to start arguing back? What is -- 10 is this going to turn into something that we are 11 not equipped to handle right now, so I'm going to 12 keep it under control right from the beginning. 13 Q. At that point in time at 9:52 or 14 9:53 in the morning, had any of the pride people 15 argued back as you put it? 16 A. I don't recall. 17 Q. Let me put it a different way. 18 Not that you recall or not that you had observed 19 at that point? 20 A. Not that I recall. Well, I did 21 not observe any, like, arguments between the two 22 groups. 23 Q. When you said that a third one 24 showed up, referring to the gentleman that you 25 confront here in body cam one?</p>	<p style="text-align: right;">Page 72</p> <p>1 going to reflect back on me regardless of the 2 circumstances. 3 Q. You also said earlier can't have 4 this, referring to what you told the two, I 5 think, when they were over on the City Hall side? 6 A. Yes, sir. 7 Q. What did you mean by "can't have 8 this"? 9 A. We can't have trouble. We can't 10 have you standing right where they're setting up. 11 There's people already setting up equipment, and 12 you're standing right there. Obviously, they're 13 going to get a reaction. 14 It was my interpretation that 15 their purpose was to get a reaction. Why else 16 would you stand that closely holding signs 17 with -- clearly showing yourself to be 18 antagonistic towards this group that's here. So 19 when I say you can't have -- we're not going to 20 have this. We're not doing this. We're not 21 having these problems here. We got to keep this 22 under control. 23 Q. Why did you push the protester in 24 body cam one? 25 MR. CONLEY: Objection to form.</p>
<p style="text-align: right;">Page 71</p> <p>1 A. Yes. 2 Q. You said he was another one. Did 3 you believe that these folks were together or 4 coming from the same group at this point? 5 A. No. And I can see how that's not 6 clear. When I say another one, I mean another 7 protester, another person who has a problem with 8 this pride event. 9 Q. You made two statements earlier. 10 You said this is not one of those events. What 11 do you mean by that? 12 A. Well, what I mean by that is 13 something that's going to turn into a circus, and 14 you'll hear me, and I'll use a couple phrases 15 like this is not a thing, which is something I 16 say on the street probably every day in different 17 situations. I don't know. It's a catch phrase I 18 use. This is not a thing or this is happening. 19 I say those things. Some of the 20 other things I say I don't often say. However, 21 yes. This is not going to turn into a circus. 22 This is not going to be chaos because I know if 23 this thing turns into a circus, and the last 24 thing I want to do -- the last thing I want is 25 anybody to be arrested because I know it's all</p>	<p style="text-align: right;">Page 73</p> <p>1 You can answer. 2 Q. Let me back up. Do you agree 3 that you pushed the protester in body cam one? 4 A. I agree that I put my hand on his 5 chest and walked him back. It certainly was not 6 an aggressive, like, push, like using -- fully 7 extending both arms, but I did make contact with 8 him. Why did I feel it was necessary? Again, 9 just to create distance, to direct him where to 10 be. That's a common thing. I've done that many 11 times over the years in different situations. 12 Q. He was standing on the sidewalk 13 when you made contact with him, correct? 14 A. Yes. 15 Q. You had approved that location 16 for counterprotestors to stand in? 17 A. Yes. 18 Q. Why did you think you needed to 19 direct him somewhere else? 20 A. That may have -- that may be a 21 situation where I was still on the street and 22 he's a little elevated, and I want to get on the 23 sidewalk, too. So rather stand so we're at an 24 even level so than rather stand, so give me a 25 little space while I step up here and talk to</p>

<p style="text-align: right;">Page 74</p> <p>1 you.</p> <p>2 Q. At one point early in the</p> <p>3 discussion you told him to shut up. Why?</p> <p>4 A. Well, that's not normally</p> <p>5 something I would say to somebody, and in this</p> <p>6 situation I said it, obviously. Probably because</p> <p>7 I felt like he was trying to talk over me.</p> <p>8 Again, it's not normally something I would say.</p> <p>9 Q. You told him that if he continued</p> <p>10 he was going to end up being arrested?</p> <p>11 A. Yes.</p> <p>12 Q. What did you believe he was going</p> <p>13 to be arrested for at that time?</p> <p>14 MR. CONLEY: Objection to form.</p> <p>15 You can answer.</p> <p>16 A. Well, my thought at the time was</p> <p>17 when I say if you continued because, like I said,</p> <p>18 when he first showed up there, he walks -- he's</p> <p>19 in the street, and he's yelling at these people.</p> <p>20 So this is what I'm referring to, if he's</p> <p>21 continuing to yell in speech that's, like I said,</p> <p>22 clearly antagonistic towards people, designed to</p> <p>23 get a reaction from them and being disruptive to</p> <p>24 this event.</p> <p>25 Q. The event had not started yet at</p>	<p style="text-align: right;">Page 76</p> <p>1 is closed to traffic at this point. I'm looking</p> <p>2 at the intersection a half block further than</p> <p>3 where Cedar Street was. We did not have</p> <p>4 barricades -- I did not ask for barricades at</p> <p>5 that location because I never intended to close</p> <p>6 Washington Street beings that it's a state route,</p> <p>7 and we need -- normally need PennDOT approval for</p> <p>8 that.</p> <p>9 However, I later made a decision</p> <p>10 probably a couple minutes after this to have</p> <p>11 Stuart and Dupree block Washington Street for</p> <p>12 safety reasons. It just seemed there was too</p> <p>13 many people from the pride group in the street.</p> <p>14 And I can't see the -- I see a police car right</p> <p>15 on the right side of the screen, so that leads me</p> <p>16 to believe that Washington Street is still open</p> <p>17 at this point.</p> <p>18 MR. CONLEY: Just for the record</p> <p>19 for clarity, you've made a couple</p> <p>20 references to the screen. I want to</p> <p>21 point out that we're still -- we're</p> <p>22 paused at 1:24 into the video.</p> <p>23 MR. READY: That is correct.</p> <p>24 BY MR. READY:</p> <p>25 Q. And also for the record for those</p>
<p style="text-align: right;">Page 75</p> <p>1 9:52. Is that correct?</p> <p>2 A. That's correct. The scheduled</p> <p>3 start time was 10 o'clock.</p> <p>4 Q. Other than him initially showing</p> <p>5 up, walking in the street, was he ever back in</p> <p>6 the street that you observed?</p> <p>7 A. Do you mean after I talked to</p> <p>8 him?</p> <p>9 Q. You mentioned that when you were</p> <p>10 coming -- as you said, you were coming at each</p> <p>11 other, maybe not directly?</p> <p>12 A. Right.</p> <p>13 Q. Opposite directions down the</p> <p>14 street?</p> <p>15 A. Right.</p> <p>16 Q. I understood your testimony to be</p> <p>17 that he was walking in the street on his way to</p> <p>18 this location. Is that correct, first of all?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. Did you ever observe him</p> <p>21 in the street other than on that approach?</p> <p>22 A. No. No. No.</p> <p>23 Q. And the street was closed to</p> <p>24 traffic at this point, correct?</p> <p>25 A. I'm looking -- I don't think it</p>	<p style="text-align: right;">Page 77</p> <p>1 who don't know Reading, Washington Street is this</p> <p>2 street that runs right in front of City Hall. Is</p> <p>3 that correct?</p> <p>4 A. Yes.</p> <p>5 Q. We're going to look at the Damon</p> <p>6 Atkins video in just a moment. Other than the</p> <p>7 interactions with the two protesters over on the</p> <p>8 City Hall side of the street --</p> <p>9 A. Yes.</p> <p>10 Q. -- and your interaction with</p> <p>11 Mr. -- we continue to, I guess, assume without</p> <p>12 maybe knowing, Mr. Wear in body cam one --</p> <p>13 A. Yes.</p> <p>14 Q. -- did you have any other</p> <p>15 interactions with counterprotesters against the</p> <p>16 pride celebration that day?</p> <p>17 A. At this point, no. And I was</p> <p>18 thankful for that, that they stayed in the spot</p> <p>19 that was agreed upon, and at this point I'm</p> <p>20 thinking, okay. We're going to get through this.</p> <p>21 No problems.</p> <p>22 Q. So I'm going to continue playing</p> <p>23 at 1:24, and it sounds like you just answered the</p> <p>24 phone?</p> <p>25 A. Yes.</p>

<p style="text-align: right;">Page 78</p> <p>1 Q. Do you know who was on that call?</p> <p>2 A. Yes. I answered the phone,</p> <p>3 hello, birthday girl. That's actually Paige</p> <p>4 Stuart. This being her birthday, which when she</p> <p>5 agreed to work the detail, I said, Paige, I'm</p> <p>6 sorry. I didn't know it was your birthday. She</p> <p>7 said, no. No. I'll come in and do it.</p> <p>8 (Video being played.)</p> <p>9 Q. I'm going to stop at 1:50. Two</p> <p>10 questions.</p> <p>11 A. Okay.</p> <p>12 Q. First, I saw another officer</p> <p>13 walking through the street. Who was that?</p> <p>14 A. That is our -- and still is our</p> <p>15 deputy chief, Javier Ruiz.</p> <p>16 Q. And do you know why he was</p> <p>17 present?</p> <p>18 A. He was there because at the time</p> <p>19 he was in charge of the Reading Police Youth</p> <p>20 Academy which is, like, an organization for high</p> <p>21 school kids, and they were marching in this, with</p> <p>22 the procession or whatever, the pride group.</p> <p>23 Q. Is this youth academy a Reading</p> <p>24 police auxiliary of sorts?</p> <p>25 A. I don't know exactly.</p>	<p style="text-align: right;">Page 80</p> <p>1 Street, we can see the right lane is -- has all</p> <p>2 these pride people in it which I was not</p> <p>3 expecting. This was supposed to be a flag</p> <p>4 raising on the sidewalk. Why wouldn't you stay</p> <p>5 on the sidewalk? Why would you stand in the</p> <p>6 street? And they started coming out into the</p> <p>7 street and -- okay. Well, great. So I guess we</p> <p>8 got to do something about that before people</p> <p>9 start getting run over.</p> <p>10 The other fear I had, one of the</p> <p>11 things I considered doing was just putting a car</p> <p>12 in the right lane and allowing traffic in the</p> <p>13 left lane, but then I was worried that somebody</p> <p>14 is going to stray into the left lane. Somebody</p> <p>15 is going to get run over or some passing car is</p> <p>16 going to -- I don't know, going to hit these</p> <p>17 people or traffic is going to back up at the red</p> <p>18 light, so I'm like, you know what? It's going to</p> <p>19 be ten minutes, so I was told, so we'll just shut</p> <p>20 the road for ten minutes.</p> <p>21 Q. Did you have any conversation</p> <p>22 with -- I'm sorry, was it Mr. Castro or any other</p> <p>23 organizers of the pride event about how to get</p> <p>24 people onto the sidewalk for the pride event?</p> <p>25 A. No.</p>
<p style="text-align: right;">Page 79</p> <p>1 Q. Is it associated with the Reading</p> <p>2 Police Department?</p> <p>3 A. Yes. I don't know at what level</p> <p>4 or what degree. I've never had any contact with</p> <p>5 him or any -- or anything to do with them.</p> <p>6 Q. So fair enough. Officer Ruiz,</p> <p>7 it's your understanding that that's part of his</p> <p>8 job responsibilities. That's not a volunteer</p> <p>9 thing he does outside. Is that correct?</p> <p>10 A. I believe he was told that he's</p> <p>11 volunteering for this job responsibility, and</p> <p>12 that sounds funny. I don't intend to be funny.</p> <p>13 I believe that at the mayor's direction, the</p> <p>14 deputy chief at the time was in charge of the</p> <p>15 youth academy.</p> <p>16 Q. Okay. Understood. You appear to</p> <p>17 be in the street as well at this time. Is that</p> <p>18 right?</p> <p>19 A. Yes.</p> <p>20 Q. So is this before or after you've</p> <p>21 closed Washington Street? I think a minute ago</p> <p>22 you thought it was before. Is that still your</p> <p>23 answer?</p> <p>24 A. Yes. Right before you paused it,</p> <p>25 when it was still showing west on Washington</p>	<p style="text-align: right;">Page 81</p> <p>1 Q. Did you have any conversation</p> <p>2 with any of them about the counterprotestors or</p> <p>3 the -- I won't say growing crowd, but the</p> <p>4 increasing number of counterprotestors?</p> <p>5 A. No.</p> <p>6 Q. Did you do anything or any of the</p> <p>7 officers under your direction do anything that</p> <p>8 you know of to get the pride attendees over onto</p> <p>9 the sidewalk?</p> <p>10 A. No. I figured the easier thing</p> <p>11 to do -- and, again, our whole goal when we do</p> <p>12 these things is get them done as easy as</p> <p>13 possible. I figured it was just easier to close</p> <p>14 the street.</p> <p>15 Q. And at no point did you or any of</p> <p>16 the others officers under your command there</p> <p>17 direct any of the pride protesters not to cross</p> <p>18 the street to the counterprotest side. Is that</p> <p>19 correct?</p> <p>20 A. That's correct. Yeah.</p> <p>21 Q. You didn't direct any of the</p> <p>22 pride attendees to not speak to or harass or yell</p> <p>23 at the counterprotestors, correct?</p> <p>24 A. I don't recall telling anybody</p> <p>25 that. No.</p>

<p style="text-align: right;">Page 82</p> <p>1 Q. Okay. You had a brief call with 2 Officer Stuart -- 3 A. Yes. 4 Q. -- the birthday girl, and what 5 was the substance of that conversation? 6 A. I believe -- based on what I 7 said, I believe she was probably further east on 8 Washington Street and asking me if she should 9 block Washington Street at 9th. There was also 10 another conversation, and I don't know if it's 11 caught on camera, where either her or Dupree 12 asked me about cars that were already parked in 13 the block. Should we let them pass, and I said 14 yes. Let's get them through. We're not going to 15 hold people up who are -- we're not going to 16 block people in in this block. We'll let them go 17 through. 18 Q. I want to continue playing the 19 video. We had paused it at 1:49. 20 (Video being played.) 21 Q. You turned your body cam off at 22 that time, correct? 23 A. Yes. Yeah. 24 Q. Why did you turn it off? 25 A. Well, within policy I was done</p>	<p style="text-align: right;">Page 84</p> <p>1 you and counterprotestors between that and 2 arresting Mr. Atkins. Is that correct? 3 A. Other than just Mr. Atkins 4 himself which is not on body cam, and I see the 5 one that you say is Wear is standing there 6 filming. I didn't even notice that at the time. 7 Q. I'm just going to continue this 8 video for 15 seconds. 9 (Video being played.) 10 Q. I'm going to stop at 1:09, and it 11 appears or it sounds like on the video that 12 that's the point at which the event is getting 13 started. Is that your recollection? 14 MR. CONLEY: Objection to form. 15 You can answer. 16 A. I can hear somebody talking on -- 17 it sounds like somebody is talking on a loud 18 speaker. I don't know if it started on time or 19 not. 20 Q. Okay. Let me ask this: Before 21 your interactions with Mr. Atkins, do you recall 22 if the event was in progress, that he was 23 speaking, that anything was going on? 24 A. Yeah, because he showed up later 25 than the other fellows that we saw earlier, yes,</p>
<p style="text-align: right;">Page 83</p> <p>1 with my interaction. So in accordance with 2 policy, I could turn it off at that point. I'm 3 sure my mind frame was like, okay. Good. That's 4 over. This is going to be over soon. 5 Q. Okay. 6 A. No more problems. 7 Q. I'm going to take you now to what 8 has been labeled Sergeant Bradley T. McClure 9 video number two. This is the second segment of 10 body cam footage that we received from your 11 attorney. I'm going to start playing it here. 12 (Video being played.) 13 Q. I'm going to pause it here at 15 14 seconds, and at this point -- and I just want to 15 confirm -- there have been no other interactions 16 with the protesters between the last video and 17 this one. Is that correct? 18 A. Do you mean the ones that we 19 already saw me talking to? 20 Q. Yeah. I guess since your last 21 conversation with the protester in body cam 22 one -- 23 A. Yes. 24 Q. -- there were no other 25 pro -- there were no other interactions between</p>	<p style="text-align: right;">Page 85</p> <p>1 so the event would have started. I see here it's 2 10:09. It was scheduled for 10 o'clock. 3 Q. So this is our second look at the 4 body cam footage. Is there anything in this 5 footage that you feel is distorted based on the 6 distortions you talked about earlier with body 7 cameras? 8 MR. CONLEY: Objection to form. 9 You can answer. 10 A. Other than just the angle, you 11 know, the point of view. 12 Q. Do you feel that changes 13 significantly the perception of what happened 14 here based on the footage? 15 MR. CONLEY: Objection to form. 16 Calls for an expert opinion. You can 17 answer. 18 A. Well, a body camera is going to 19 change the perception of any incident just based 20 on their limitations, and if we understand the 21 limitations, then they're much more effective. 22 It's easy to look at body cams and say, well, 23 this is what the police officer saw and heard 24 which may not always be the case -- which is 25 almost never the case.</p>

<p style="text-align: right;">Page 86</p> <p>1 Q. Okay. Does this -- does this 2 body camera footage accurately reflect what you 3 saw and heard that day at least for the time that 4 it's on? 5 A. For this incident that we're 6 playing right now? I mean, for this camera, is 7 this number two? 8 Q. This is body cam two. 9 A. For the first one minute, nine 10 seconds, yes. 11 Q. Okay. I'm going to continue 12 playing. 13 (Video being played.) 14 Q. So I'm going to stop it here at 15 1:53. It sounds like you tell him shut up. 16 Don't tell me what to do. Why did you say that? 17 A. Well, 'cause sometimes when 18 people get arrested, they like to tell us what to 19 do or tell us we're doing something wrong with 20 the way that -- like, they don't have to sit 21 down. We want people to sit down as we're 22 waiting transport. It's just safer. I don't 23 know what he said to make me say that in this 24 case, but that's not unusual. 25 Q. Okay. I'm going to continue</p>	<p style="text-align: right;">Page 88</p> <p>1 property is what. 2 We're making an arrest. This is 3 in your pocket. You're carrying this bag. This 4 bag, it's yours. It's going with you. That's 5 it. We're not standing here. It just turns 6 into -- and I learned this actually in my prison 7 days, and it was reinforced when I got hired at 8 the police department. 9 It just turns things too chaotic. 10 It gives the impression that, like, we really 11 don't have control of the situation. We don't 12 know what we're doing. We're starting to hand 13 property out to people, and we don't even know 14 who it belongs to. So the standard is, if it's 15 on you, if you have it in your possession, it's 16 yours. It's going with you. 17 Q. So who is the "he" that you're 18 referring to? He ain't getting nothing out of 19 that bag? 20 A. There was another person with 21 him, and that person had followed us around the 22 corner, so we're back on Cedar Street now. So 23 we're kind of right behind City Hall, and he was 24 asking for -- he said something in that bag 25 belonged to him.</p>
<p style="text-align: right;">Page 87</p> <p>1 playing at 1:53. 2 (Video being played.) 3 Q. So at 2:45, a little bit before 4 2:45 a couple of statements get made. You said 5 several times he ain't getting nothing out of 6 this bag? 7 A. Yes. 8 Q. Why did you say that? 9 A. When we arrest somebody, it is 10 practice within our department that what you have 11 on you in your possession is going with you. 12 We're not getting into a situation where we're 13 allowing people to -- it's very common in 14 Reading, somebody gets arrested. Somebody else 15 goes, hey, he has my phone or, hey, he has 20 16 bucks for me. Can I get that? Can I get that? 17 No. Nobody gets anything. What's on you when 18 you're arrested is what's on you, and it's going 19 with you. We're not giving stuff away. 20 Q. Why is that? 21 A. Well, number one, we don't 22 know -- like, somebody could say, hey, he has my 23 keys or he has my phone. We don't know whose 24 stuff it is, and we're not going to be in the 25 position where we're trying to divide out whose</p>	<p style="text-align: right;">Page 89</p> <p>1 And at this point -- and what's 2 apparent to me, certainly not to people who don't 3 know me, that the whole day's events, and it's 4 early, have me very -- I'm frustrated for several 5 reasons at this point, so I was not in the mood 6 at that point to talk about bag ownership. 7 Q. Why were you frustrated? 8 A. Well, some of it I touched on 9 earlier. One of the reasons I took the traffic 10 job was so I didn't have to work weekends 11 anymore. I did that for many -- going back to my 12 prison days, many years. 13 Now it's Saturday morning, and I 14 have to work because nobody wants to work this 15 event. I don't want to work this event. I am 16 standing. There's one side, I have a group 17 that -- I don't want to be -- I don't get it. 18 Okay. They're having their event. I don't get 19 it. Whatever. They're going to raise their 20 flag. They're going to walk to City Park. Let's 21 just get this over with. 22 Another side I have a completely 23 antagonistic -- two groups are antagonistic 24 towards each other. Neither group would ever 25 agree to see somebody else's point of view, and</p>

<p style="text-align: right;">Page 90</p> <p>1 we're in the middle of it.</p> <p>2 And all I want is just get this</p> <p>3 day over with no problems. Now there's a</p> <p>4 problem. Now I have to -- now I made the</p> <p>5 decision to arrest this guy. Now I know I've got</p> <p>6 to do charges. Now I know I've got to be here</p> <p>7 later.</p> <p>8 And it just reflects -- when the</p> <p>9 events don't go smooth, when there is a problem,</p> <p>10 and this is not normal for there to be a problem,</p> <p>11 police are funny. When we work special details,</p> <p>12 if it's a crime-focused detail, if we're doing,</p> <p>13 like, drug work or traffic enforcement or</p> <p>14 something, the goal is you're going out there in</p> <p>15 overtime. You're going to make contacts. You're</p> <p>16 going to make arrests.</p> <p>17 When we work special events,</p> <p>18 parades, concerts, these flag raisings, it's the</p> <p>19 exact opposite goal. It's like, let's go there.</p> <p>20 Let's do our thing and get out. We're not</p> <p>21 looking for any extra work, and now there's extra</p> <p>22 work, and I know that it's fallen on me. It's my</p> <p>23 decision, and like I said before, I'm not going</p> <p>24 to push it off onto them to do the charges. I'll</p> <p>25 take care of it myself, but now I know I'm going</p>	<p style="text-align: right;">Page 92</p> <p>1 information or gave you inaccurate information, I</p> <p>2 should say?</p> <p>3 A. I don't know if anybody</p> <p>4 intentionally gave me inaccurate information. I</p> <p>5 believe that the information I was given was</p> <p>6 accurate as far as the event organizers thought</p> <p>7 it was going to be. I believe that other people,</p> <p>8 by that, I mean local dignitaries, heard about</p> <p>9 this and decided I got to get in on that, and</p> <p>10 they showed up, and I think the thing just</p> <p>11 ballooned into something that it was not.</p> <p>12 Washington Street should have</p> <p>13 been closed, PennDOT approval. Not by police</p> <p>14 cars on the fly like we did. That's one thing.</p> <p>15 The protesters, like I said before, I never</p> <p>16 expected -- had I expected them, I would have</p> <p>17 planned -- I would have had a plan in place, and</p> <p>18 it would have gone much smoother.</p> <p>19 Q. At 10:10 and 48 seconds or as</p> <p>20 paused here, 2:45 in this video, all three of the</p> <p>21 officers on scene except, I guess, Officer Ruiz</p> <p>22 were participating in the arrest. Is that</p> <p>23 correct?</p> <p>24 A. Yes.</p> <p>25 Q. Did you have concerns about</p>
<p style="text-align: right;">Page 91</p> <p>1 to be there for much longer.</p> <p>2 And also, as I said before, even</p> <p>3 though it's only ten after 10:00, I can see</p> <p>4 already that what this event was proposed to me</p> <p>5 is not what it is turning into. It was not</p> <p>6 proposed to be this big thing.</p> <p>7 You can't really see it on here,</p> <p>8 but there's a line of speakers. Speakers, I mean</p> <p>9 people who are going to speak. Not amplifiers.</p> <p>10 People are lined up. This guy is going to talk</p> <p>11 and then this guy is going to talk. This was</p> <p>12 supposed to be ten minutes, and now -- it ended</p> <p>13 up being about 50 minutes. So for a lot of</p> <p>14 those -- for all those reasons, I was</p> <p>15 becoming -- I had become very frustrated.</p> <p>16 Q. Do you feel this event could have</p> <p>17 been planned better with the Reading Police</p> <p>18 Department?</p> <p>19 A. Yes. Had somebody told me</p> <p>20 exactly what was going on rather than tell me one</p> <p>21 thing and then, oh, now it's something else, yes.</p> <p>22 I would have done this differently had I been</p> <p>23 given an accurate plan of what was to be</p> <p>24 occurring.</p> <p>25 Q. Who didn't give you accurate</p>	<p style="text-align: right;">Page 93</p> <p>1 leaving the other protesters and</p> <p>2 counterprotestors unattended at that time?</p> <p>3 A. I didn't, and the reason I didn't</p> <p>4 was probably -- well, partly based on hope and</p> <p>5 partly based on what had happened since my</p> <p>6 interactions with them, and that is, they stayed</p> <p>7 in their group. Now, one of them did come off to</p> <p>8 film us, but, again, he's still on the side.</p> <p>9 He's not hurting anybody. He's on the sidewalk.</p> <p>10 He's not causing a problem. So they stayed on</p> <p>11 the sidewalk, and as long as -- and they weren't</p> <p>12 yelling anything. They weren't being disruptive.</p> <p>13 And I was -- and I'm always</p> <p>14 confident, and I've had this belief since a</p> <p>15 couple years in when I started to get a little</p> <p>16 experience, like, listen, when I show up,</p> <p>17 everything is going to be all right. There's not</p> <p>18 going to be any problems. I got it under</p> <p>19 control.</p> <p>20 This, it didn't work out that</p> <p>21 way, which is another reason I was frustrated,</p> <p>22 but at this point, I'm still confident those</p> <p>23 other guys aren't going to be a problem because</p> <p>24 they complied with what I said and -- I don't</p> <p>25 know. I was just confident that they weren't</p>

<p style="text-align: right;">Page 94</p> <p>1 going to cause any more problems.</p> <p>2 Q. Did you think that the Atkins</p> <p>3 arrest was going to have a positive effect on the</p> <p>4 demeanor of the other counterprotestors?</p> <p>5 MR. CONLEY: Objection to form.</p> <p>6 You can answer.</p> <p>7 A. No. I don't think it would have</p> <p>8 had a positive effect.</p> <p>9 Q. Did you think it was going to</p> <p>10 have a negative effect?</p> <p>11 MR. CONLEY: Same objection.</p> <p>12 A. I don't know if I thought that it</p> <p>13 would have a negative effect. I thought</p> <p>14 that -- the thought that was going through my</p> <p>15 mind was I gave these people in three separate</p> <p>16 groups the same warning. Atkins was the last one</p> <p>17 to show up and when -- I gave them the previous</p> <p>18 warnings, and they gave me no problems</p> <p>19 afterwards.</p> <p>20 And then Atkins shows up. I gave</p> <p>21 him the warning and then when I turn away and</p> <p>22 then he starts up again, I think that they saw,</p> <p>23 hey, okay. This guy said this is going to happen</p> <p>24 if we don't comply. Obviously he means business,</p> <p>25 so that was my hope that they say, hey, okay.</p>	<p style="text-align: right;">Page 96</p> <p>1 to do the things that you suggested you would do</p> <p>2 that day?</p> <p>3 A. Yes. And at this point -- well,</p> <p>4 even prior to this I'm hopeful that it doesn't</p> <p>5 come to that. This is the last thing that I want</p> <p>6 to do at any event, whether it's this, a parade,</p> <p>7 a concert, whatever. This is the very last thing</p> <p>8 I want to do is arrest somebody.</p> <p>9 And now that I made the decision,</p> <p>10 one, the thought has gone through my head, I</p> <p>11 hope -- I hope nothing else happens, because if</p> <p>12 this gets into a situation where now we're</p> <p>13 arresting multiple people, this is not going to</p> <p>14 look good.</p> <p>15 Q. Did you believe the other</p> <p>16 counterprotestors would take your warnings more</p> <p>17 seriously if they saw you follow through on this</p> <p>18 threat?</p> <p>19 MR. CONLEY: Objection to form.</p> <p>20 A. Yes.</p> <p>21 Q. Sorry. You said yes?</p> <p>22 A. Yes, but that's not -- that's not</p> <p>23 to say or to insinuate that that is the reason I</p> <p>24 made the arrest. I certainly believe the arrest</p> <p>25 was justified, but, again, I have that discretion</p>
<p style="text-align: right;">Page 95</p> <p>1 This guy is serious.</p> <p>2 I would always get frustrated at</p> <p>3 police officers who would say things and then</p> <p>4 they would basically say things that they're not</p> <p>5 prepared to back up. And that's something I was</p> <p>6 taught when I was a new police officer going to</p> <p>7 domestics, and you leave the domestic, and the</p> <p>8 veteran officers would say, hey, if you go back</p> <p>9 to this domestic, tell the people that if I have</p> <p>10 to come back again, somebody is getting arrested.</p> <p>11 And I said, well, why? How do</p> <p>12 you know that? Like, you're going to tell</p> <p>13 somebody that? Well, what if there's no reason</p> <p>14 to arrest somebody? So if you're going to tell</p> <p>15 somebody something, then be prepared to carry it</p> <p>16 out.</p> <p>17 So I was always prepared or I was</p> <p>18 always conscious of it. Like, if I'm going to</p> <p>19 tell somebody something, if this happens, I'm</p> <p>20 going to do this, then I better be prepared to do</p> <p>21 this. And if I'm not prepared, people see that,</p> <p>22 and people -- they take advantage of that if they</p> <p>23 see you're not prepared to carry out what you</p> <p>24 did.</p> <p>25 Q. So safe to say you were prepared</p>	<p style="text-align: right;">Page 97</p> <p>1 whether to arrest or not to arrest, and I believe</p> <p>2 it was justified. Yes. I believe that they</p> <p>3 would see that, okay. Well, this guy was</p> <p>4 serious.</p> <p>5 Q. I'm going to keep playing from</p> <p>6 2:45.</p> <p>7 (Video being played.)</p> <p>8 A. I'm sorry. Can you just stop it</p> <p>9 there for one second?</p> <p>10 Q. Sure.</p> <p>11 MR. CONLEY: Hold on. You can</p> <p>12 wait for a question. If there's</p> <p>13 something you need to clarify, go ahead</p> <p>14 and clarify it from past testimony. I'd</p> <p>15 prefer if you just wait for a question.</p> <p>16 A. Okay.</p> <p>17 Q. I'll play a bit more and then</p> <p>18 we'll talk about what we just saw.</p> <p>19 (Video being played.)</p> <p>20 Q. I'm going to stop you at 3:03.</p> <p>21 So there was some interaction between Officer</p> <p>22 Dupree and Mr. Atkins, and what was that about?</p> <p>23 A. It seemed to be about the</p> <p>24 contents of the bag.</p> <p>25 Q. And this was the bag that just</p>

25 (Pages 94 - 97)

<p style="text-align: right;">Page 98</p> <p>1 seconds ago in real time you had said he ain't 2 getting nothing out of that bag? 3 A. Yes. 4 Q. This gentleman we see at 3:03 5 right in the middle of the screen holding the 6 sign, is that the "he" you were referring to? 7 A. Yes. 8 Q. You described him earlier. And 9 so the contents of the bag, what was the 10 discussion about? 11 A. His contention was that the bag 12 or whatever was in the bag -- and I don't recall 13 what it was. I believe something medical. He 14 said that that is mine. That's mine. I want 15 that. That's mine. 16 Q. And there was a reference by 17 Officer Dupree here to a passport. Do you recall 18 a discussion of a passport? 19 A. I do. I don't recall the 20 specifics. She was going through the bag. I 21 don't recall the specifics. 22 Q. Okay. I'm going to start at 3:03 23 again. 24 (Video being played.) 25 Q. Let's stop it at 3:30. So you</p>	<p style="text-align: right;">Page 100</p> <p>1 here from 3:30. 2 (Video being played.) 3 Q. When you say call your buddy, are 4 you referring to Mr. Atkins? 5 A. I don't know who I was referring 6 to there. I definitely heard it. I don't know 7 who I'm referring to. 8 (Video being played.) 9 Q. So I'm going to stop right here 10 at 3:59. It does look like there are quite a few 11 people out in the street. At this point you had 12 blocked off the street? 13 A. Yes. 14 (Video being played.) 15 Q. Okay. So I acknowledge we've 16 stopped it a couple of times, but is this footage 17 a fair and accurate reflection of what you 18 observed that day on the scene? 19 MR. CONLEY: Objection to form. 20 Go ahead. 21 A. Yes. 22 Q. I'm going to show you one more 23 video, and let me just ask you: Have you seen 24 the YouTube video that was posted by Barely 25 Preacher Man in this case?</p>
<p style="text-align: right;">Page 99</p> <p>1 told him he was going across the street? 2 A. Yes. 3 Q. You also said if he didn't, that 4 he was going to join Mr. Atkins, presumably being 5 arrested. Is that correct? 6 A. Yes. 7 Q. Did you lay your hands on him at 8 that time? 9 A. Yeah. You could see I -- like, 10 I'm guiding him, turning him around. Let's keep 11 going across the street. Yes. 12 Q. What were you -- what did you 13 believe you were going to arrest him for? 14 A. Well, I believe -- 15 MR. CONLEY: Objection to form. 16 You can answer. 17 A. My thought at that time was if he 18 continued with his behavior or if he wouldn't 19 leave our immediate area or if he's interfering 20 with us or interfering with the arrest or being 21 disorderly, those were my thoughts at the time. 22 Certainly what he did at the time did not rise to 23 the level of disorderly conduct, and he was not 24 arrested. 25 Q. Okay. I'm going to keep playing</p>	<p style="text-align: right;">Page 101</p> <p>1 A. I did not see the whole video. 2 No. I've seen parts of it. 3 Q. Have you accessed it on YouTube 4 or when have you seen it? 5 A. It was sent from my attorney. 6 Q. Okay. All right. Very good. So 7 you've seen the link on YouTube? 8 A. Yes. 9 Q. You say you've not watched the 10 whole thing. Is that correct? 11 A. That's correct. 12 Q. Okay. I'm going to skip 13 forward -- 14 MR. READY: Actually, can we go 15 off the record for a second? 16 (A discussion was held off the 17 record.) 18 BY MR. READY: 19 Q. So I'm going to show you a 20 YouTube video that was posted by Barely Preacher 21 Man. It was titled Christian Arrested in 22 Reading, Pennsylvania at a Pride March. I'm not 23 going to read this whole YouTube URL into the 24 record. 25 MR. CONLEY: Is there a date that</p>

<p style="text-align: right;">Page 102</p> <p>1 it was posted? I don't know if there is.</p> <p>2 MR. READY: It was posted on June</p> <p>3 3rd, 2023.</p> <p>4 BY MR. READY:</p> <p>5 Q. So I'm going to show you this</p> <p>6 video in its entirety and then we'll discuss.</p> <p>7 (Video being played.)</p> <p>8 Q. I'm going to stop you here at</p> <p>9 4:57. Is this video an accurate reflection of</p> <p>10 what you observed at the event on June 3rd?</p> <p>11 MR. CONLEY: Objection to form.</p> <p>12 A. Well, that's not from my vantage</p> <p>13 point. It's from the filmer's vantage point.</p> <p>14 So, I mean, this is an accurate reflection from</p> <p>15 his vantage point. The only difference I'll make</p> <p>16 is we can't hear my whole interaction with the</p> <p>17 plaintiff.</p> <p>18 Q. Okay. I'll put it a different</p> <p>19 way. As far as what you did experience in terms</p> <p>20 of the event and your arrest, do you believe</p> <p>21 having seen this that this accurately reflects at</p> <p>22 least in part what happened with you and Mr.</p> <p>23 Atkins?</p> <p>24 A. Yes.</p> <p>25 MR. CONLEY: Objection to form.</p>	<p style="text-align: right;">Page 104</p> <p>1 interaction?</p> <p>2 A. Well, this interaction, the event</p> <p>3 is about to start, and I think or I believe that</p> <p>4 anybody who's against this event has already</p> <p>5 shown up, so let's get this going and get this</p> <p>6 over with. And then when he showed up, I went</p> <p>7 over to him, and I gave him the same talk that I</p> <p>8 gave to the other guys, so I had given this same</p> <p>9 talk two times prior.</p> <p>10 Now, he was more -- less -- I'm</p> <p>11 sorry. He was less conciliatory towards me than</p> <p>12 the others were. The others certainly didn't</p> <p>13 agree with what I said, but they weren't as</p> <p>14 forceful, and this was -- forceful with their</p> <p>15 disagreement. This was -- it's difficult to me.</p> <p>16 Now, I am -- I said before I'm</p> <p>17 frustrated at this point already with what's</p> <p>18 going on on both sides of the street, and he</p> <p>19 starts talking about the Bible, talking about his</p> <p>20 beliefs. I am a devout Catholic, and I have</p> <p>21 been -- that was raised in that household from</p> <p>22 the time that I was young to present day, till I</p> <p>23 went to mass last Saturday at 5:00 p.m.</p> <p>24 I was never taught in my life</p> <p>25 ever at any level by a parent, father, sister,</p>
<p style="text-align: right;">Page 103</p> <p>1 Q. So I want to ask you about -- I</p> <p>2 want to go back here a little bit. The initial</p> <p>3 interaction you have with Mr. Atkins is recorded</p> <p>4 here, and I'm going to go back to 1:46, and I'm</p> <p>5 going to play again.</p> <p>6 MR. CONLEY: Objection to form.</p> <p>7 Note my objection to the original</p> <p>8 interaction. I don't think there's been</p> <p>9 any testimony as to whether that was an</p> <p>10 original interaction. You can certainly</p> <p>11 ask your questions.</p> <p>12 BY MR. READY:</p> <p>13 Q. Sergeant, I'm going to play for</p> <p>14 you starting at 1:46, now 1:47 an interaction</p> <p>15 with Mr. Atkins, and I'll ask you about it.</p> <p>16 A. Yes.</p> <p>17 (Video being played.)</p> <p>18 Q. I'm going to stop at 2:12. Is</p> <p>19 this the first interaction you had with Damon</p> <p>20 Atkins?</p> <p>21 A. Yes.</p> <p>22 Q. And I think you testified earlier</p> <p>23 you never met Mr. Atkins before?</p> <p>24 A. No. No. I have not.</p> <p>25 Q. Okay. So what occurred in that</p>	<p style="text-align: right;">Page 105</p> <p>1 whatever to be hateful, that a part of</p> <p>2 Christianity is being hateful and judgmental,</p> <p>3 hateful of others, judgmental of others. So when</p> <p>4 I'm telling them, let them have their day, let's</p> <p>5 just let this thing go and let the event proceed,</p> <p>6 I'm having trouble understanding their point of</p> <p>7 view.</p> <p>8 This is not -- this doesn't</p> <p>9 seem -- this is not the way that I was taught,</p> <p>10 and I don't understand why they even showed up,</p> <p>11 why they felt it necessary to show up and berate</p> <p>12 people. If you don't like it, just don't show</p> <p>13 up.</p> <p>14 So I had given him that speech.</p> <p>15 I walked away, and I'm standing there thinking,</p> <p>16 okay. This is going to work out the way it</p> <p>17 worked out with these other guys. Everything is</p> <p>18 going to be good. And then he raised his voice a</p> <p>19 little bit. I don't recall what he said.</p> <p>20 Clearly he's -- I know it's portrayed in a way</p> <p>21 that he's this innocent guy standing on the</p> <p>22 corner quoting Bible scripture.</p> <p>23 Clearly he's being antagonistic</p> <p>24 and trying to get a reaction from the crowd, and</p> <p>25 that's something that I just could not allow, and</p>

27 (Pages 102 - 105)

<p style="text-align: right;">Page 106</p> <p>1 that's why I made the decision to arrest him at 2 this point. And you notice I didn't walk up to 3 him and just arrest him. I walked up to him, 4 disengage, walk away. And then when he continued 5 with it, then I went -- and then I made the 6 decision. 7 Q. What is it you said to 8 him -- what is it that he said before you 9 approached him for the first time that made you 10 approach him? 11 A. I don't know exactly. It's 12 not -- it's not caught on here. 13 Q. I'll back up to 1:12 and play 14 again. 15 (Video being played.) 16 Q. I'll move forward to 1:32. 17 (Video being played.) 18 Q. So at 1:48, I'm pausing. The 19 narrator, and I understand he's just talking, so 20 I'm not -- 21 A. Yes. 22 Q. -- asking you to necessarily 23 agree or disagree. He says that Mr. Atkins just 24 walked up. 25 A. Yes.</p>	<p style="text-align: right;">Page 108</p> <p>1 I believe his name was, I approached him, hand on 2 the chest right away. Let's get back. Atkins 3 here is standing here, and I approach him in a 4 much more -- a different manner, and, in fact, I 5 don't even get that close to him. 6 And I believe that knowing my 7 thought process, and that was that, hey, this 8 speech has worked twice before. It's going to 9 work again. I'm just going to say the same thing 10 I said to these other guys, and this is all going 11 to work. 12 Q. So you don't recall then whether 13 Mr. Atkins had said anything prior to your 14 engaging with him the first time? 15 A. I don't specifically recall what 16 he said, but I had to have approached him for a 17 reason. I wouldn't have just approached him if 18 he was standing there quietly. I'm not looking 19 for that much extra work to do on this day. 20 Q. Okay. I'm going to keep playing 21 from 1:50. 22 (Video being played.) 23 Q. I'm going to stop at 2:04. You 24 can hear him saying this is public property. 25 A. Yes.</p>
<p style="text-align: right;">Page 107</p> <p>1 Q. Had you seen him before this 2 point? 3 A. No. 4 Q. Okay. And at this point you'll 5 agree at least in this video that Mr. Atkins 6 can't be seen saying anything to the crowd, 7 correct? 8 MR. CONLEY: Objection to form. 9 Calls for speculation. Calls for a 10 perspective that is not Officer McClure's 11 or Sergeant McClure's. 12 Q. Okay. Sergeant, do you recall if 13 he said anything to the crowd before you 14 approached him? 15 A. Well, I don't recall, but I 16 approached him for a reason. I didn't just pick 17 him out because he was standing there peacefully. 18 Q. What was that reason that you 19 approached him? 20 A. Well, the only reason -- since he 21 is on the sidewalk and not in the street, the 22 only reason I would have approached him is that 23 he was yelling stuff. Now, I want to point out 24 on this one, the body cam footage, which turned 25 out to be the guy that's filming this, that Wear</p>	<p style="text-align: right;">Page 109</p> <p>1 Q. Do you recall what you two were 2 discussing at that point? 3 A. I think the event itself, I 4 probably said something to the effect that you 5 can't disrupt this event. I don't want you 6 coming out into the street, probably something 7 like that, which would be in line with what I had 8 told the other people that were involved. 9 Q. You said let them have their day. 10 What did you mean by that? 11 A. Look, if they want to raise this 12 flag at City Hall, if that makes their day, let 13 them raise the flag. Let them take their walk 14 from 8th Street to Penn Street to City Park, and 15 let's just be done with it. Like, to me, my 16 point of view, this is only going to bother you 17 if you choose to show up and let it bother you, 18 so... 19 Q. I'm going to keep playing from 20 2:04. 21 (Video being played.) 22 Q. At one point you said to him 23 respect them. What did you mean by that? 24 MR. CONLEY: Objection to form. 25 You can answer.</p>

<p style="text-align: right;">Page 110</p> <p>1 A. Well, we have to respect others 2 whether we agree with them or not. We have 3 to -- so this pride group, they're going to raise 4 this flag at City Hall. They're going to dance 5 around in the street. If that's what they want 6 to do that day and they have the city's 7 permission, just respect it. You don't have to 8 stand here and yell insults at them. What is the 9 point of that? I don't know. So I'm trying to 10 talk people down to see things from another point 11 of view. Have respect for other people. This is 12 what we're taught.</p> <p>13 Q. All right. I'm going to play 14 from 2:10.</p> <p>15 (Video being played.)</p> <p>16 Q. I'm going to stop at 2:18. You 17 can hear Mr. Atkins say yo God is not. And at 18 that point you proceeded to arrest him?</p> <p>19 A. Yes.</p> <p>20 Q. Why did you arrest him for saying 21 yo God is not?</p> <p>22 MR. CONLEY: Objection to form. 23 You can answer the question.</p> <p>24 A. Well, he wasn't arrested for 25 saying yo God is not. That is simply not true.</p>	<p style="text-align: right;">Page 112</p> <p>1 did you --</p> <p>2 MR. CONLEY: He provided you a 3 reason.</p> <p>4 Q. Why did you arrest Damon Atkins?</p> <p>5 MR. CONLEY: Again, objection to 6 form. Asked and answered. He literally 7 just told you. If you don't agree with 8 it, that's your problem. He answered 9 your question.</p> <p>10 MR. READY: Are you instructing 11 him not to answer?</p> <p>12 MR. CONLEY: I am telling you I'm 13 objecting to the form, and it's asked and 14 answered. I'll give you a little leeway. 15 I'll let him answer it again, but if 16 you're going to argue with him about 17 whether you think -- or whatever you 18 think about his answer, he did provide an 19 answer, so go ahead. You can answer the 20 question.</p> <p>21 THE WITNESS: The reason I made 22 the decision is I had given -- provided a 23 space for the protesters and given them 24 all the same warning which was, number 25 one, if you come out in the street,</p>
<p style="text-align: right;">Page 111</p> <p>1 When we have our first interaction, I start to 2 turn away from him, and he says about, you know 3 who cares? People who are burning, you know, 4 down there. You do you. I'll do me, he says. 5 Those things he's saying to me. All right? 6 That's not a big deal. Okay? He's saying it to 7 me. He's not causing a problem.</p> <p>8 So I turned away, and I took no 9 action on that. To me, this is just conversation 10 still between him and I. When he says what he 11 said there, the yo God, you could clearly hear to 12 me his voice is raised. Now he's not talking to 13 me anymore. Now he's engaging the crowd. You're 14 being loud enough to be heard by the crowd. So 15 he's doing exactly what I told him. Listen, you 16 can't do this. You can't disrupt this event. 17 That's why I made the decision there. Certainly 18 not because of what he said.</p> <p>19 Q. So why did you arrest Damon 20 Atkins?</p> <p>21 MR. CONLEY: I think he just 22 answered that question. Do you want him 23 to answer it again? I think that's the 24 exact same question.</p> <p>25 Q. I did not hear a reason. So why</p>	<p style="text-align: right;">Page 113</p> <p>1 you're going to get arrested, or if you 2 yell things to disrupt this event, you're 3 going to get arrested. So two things 4 that would disrupt this event.</p> <p>5 Now, Atkins did not come out in 6 the street. When he's talking to me when 7 I walk away, he's saying things to me. 8 Again, I'm not concerned with that. 9 That's what we deal with. People insult 10 us all the time.</p> <p>11 But when he yells at the end, I 12 hear his voice is raised. He's no 13 longer -- I'm fairly close to him. He's 14 not shouting at me. Now he's shouting at 15 the crowd. It appears his intention is 16 to disrupt this event which I had already 17 told him we're not going to allow this to 18 happen. That's why I made the arrest.</p> <p>19 BY MR. READY:</p> <p>20 Q. How did Mr. Atkins disrupt the 21 event?</p> <p>22 MR. CONLEY: Objection to form. 23 You can answer.</p> <p>24 A. By yelling things which are 25 clearly meant to be antagonistic towards the</p>

<p style="text-align: right;">Page 114</p> <p>1 crowd.</p> <p>2 Q. In any other way did he disrupt</p> <p>3 the event?</p> <p>4 A. No.</p> <p>5 Q. Did anybody at the event tell you</p> <p>6 that they had been disrupted by Mr. Atkins either</p> <p>7 before or after his arrest?</p> <p>8 A. No.</p> <p>9 Q. Did anybody at the event ask you</p> <p>10 to arrest Mr. Atkins?</p> <p>11 A. No.</p> <p>12 Q. Did anyone at the event commend</p> <p>13 you or other officers for arresting Mr. Atkins?</p> <p>14 A. Yes. Some people clapped when we</p> <p>15 were walking him to the back of City Hall to</p> <p>16 Cedar Street which I could have done without</p> <p>17 that.</p> <p>18 Q. At one point Mr. Atkins</p> <p>19 complained when you had him up against the wall</p> <p>20 that the handcuffs were too tight?</p> <p>21 A. Yes.</p> <p>22 Q. Did you loosen the handcuffs for</p> <p>23 him?</p> <p>24 A. I don't recall. Handcuffs are</p> <p>25 too tight is something you hear in 75 percent of</p>	<p style="text-align: right;">Page 116</p> <p>1 Washington Street, and I'm a little around the</p> <p>2 corner on Cedar. I don't remember hearing that.</p> <p>3 Q. You would agree that the event</p> <p>4 actually kicked off with the first speaker right</p> <p>5 after you began arresting Mr. Atkins. Does that</p> <p>6 timeline sound correct?</p> <p>7 A. Yes.</p> <p>8 Q. You mentioned some of the</p> <p>9 cheering, the clapping. Did anybody else commend</p> <p>10 you or thank you for intervening or arresting Mr.</p> <p>11 Atkins?</p> <p>12 A. Not that day, no.</p> <p>13 Q. You talked about some of the</p> <p>14 phone calls you received and other public</p> <p>15 response regarding this arrest. Have you</p> <p>16 received positive response from individuals</p> <p>17 regarding this incident?</p> <p>18 MR. CONLEY: Objection to form.</p> <p>19 Go ahead.</p> <p>20 A. Just from family and co-workers.</p> <p>21 That's it.</p> <p>22 Q. What have they told you?</p> <p>23 A. That they supported me.</p> <p>24 Q. What about other members of the</p> <p>25 public or others you've interacted with?</p>
<p style="text-align: right;">Page 115</p> <p>1 the time they put handcuffs on somebody.</p> <p>2 Q. Did you hear the organizer of the</p> <p>3 event speaking, saying about the</p> <p>4 counterprotestors, when they get themselves in</p> <p>5 trouble, the police are going to deal with it,</p> <p>6 something along those lines?</p> <p>7 MR. CONLEY: Objection to form.</p> <p>8 MR. READY: What's the objection</p> <p>9 to form?</p> <p>10 MR. CONLEY: You're</p> <p>11 characterizing the audio. That's my</p> <p>12 objection.</p> <p>13 BY MR. READY:</p> <p>14 Q. Do you recall the organizer of</p> <p>15 the event -- on this video or not, do you recall</p> <p>16 the organizer of the event saying when they get</p> <p>17 themselves in trouble, referring to the</p> <p>18 counterprotestors, the police are going to deal</p> <p>19 with it or they're going to arrest them?</p> <p>20 MR. CONLEY: Objection to form.</p> <p>21 You can answer.</p> <p>22 A. I did not hear him say that at</p> <p>23 the time. I heard it on this video. I think --</p> <p>24 it looks like I'm kind of around the corner</p> <p>25 there, and the person filming it is still on</p>	<p style="text-align: right;">Page 117</p> <p>1 A. No. People often don't commend</p> <p>2 the police for anything really.</p> <p>3 Q. I'm going to show you -- I'm</p> <p>4 sorry. Have you made any statements to the</p> <p>5 press, a reporter, a blogger, a YouTuber or</p> <p>6 anyone else about this incident?</p> <p>7 A. No, I haven't.</p> <p>8 Q. Who other than your attorney and</p> <p>9 your spouse, if any, have you spoken with about</p> <p>10 the events on June 3rd, 2023 that we haven't</p> <p>11 already discussed?</p> <p>12 A. Well, family members, other</p> <p>13 members of the police department.</p> <p>14 Q. What family other than your</p> <p>15 spouse have you spoken with?</p> <p>16 A. My parents, my kids and my</p> <p>17 brothers.</p> <p>18 Q. What have you told them about</p> <p>19 this?</p> <p>20 A. Everything that I've said here</p> <p>21 today, basically. You know, what happened and</p> <p>22 why I did this, and you may see things about</p> <p>23 me -- like, I'm not on social media or anything,</p> <p>24 so I don't know what's out there, but you may see</p> <p>25 some things written about your old dad, I told</p>

<p style="text-align: right;">Page 118</p> <p>1 the kids, but I told them what happened.</p> <p>2 Q. You said you're not on social</p> <p>3 media. So just to confirm, you don't have a</p> <p>4 Facebook, an Instagram, a TikTok, Snapchat,</p> <p>5 anything like that?</p> <p>6 A. No, sir.</p> <p>7 Q. Okay. I'm going to turn your</p> <p>8 attention to what has been marked as Reading 1 at</p> <p>9 the very beginning here. Can you tell us what</p> <p>10 this is?</p> <p>11 A. Well, this is a printout version</p> <p>12 of our report system. If you ask me questions</p> <p>13 about it, it may take me a while to find it</p> <p>14 because we don't normally ever see this portion</p> <p>15 of it. Our reports are never printed out.</p> <p>16 Q. You probably access it on a</p> <p>17 computer screen or something like that?</p> <p>18 A. Yes. And it just looks a little</p> <p>19 different than this.</p> <p>20 Q. That's fine. I appreciate that.</p> <p>21 I'll go to page 3. Did you type this narrative?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. I guess I shouldn't just</p> <p>24 ask if you typed it. Did you author it? Was</p> <p>25 this your writing?</p>	<p style="text-align: right;">Page 120</p> <p>1 A. Just -- I don't remember</p> <p>2 specifically what he was saying. Just the stuff</p> <p>3 that he was yelling, the stuff that we saw here,</p> <p>4 like, you know, these people are burning down</p> <p>5 below. It was stuff like that. They were there</p> <p>6 for a reason, and their reason is to get a</p> <p>7 reaction from...</p> <p>8 Q. It says in the next sentence: He</p> <p>9 began to yell at the people at the event. I</p> <p>10 immediately approached him and told him that</p> <p>11 while he was free to stand there on that side of</p> <p>12 the street and hold a sign, he could not cross</p> <p>13 the street nor yell comments intended to disrupt</p> <p>14 the event. Atkins said he understood.</p> <p>15 Is that an accurate reflection of</p> <p>16 what happened?</p> <p>17 MR. CONLEY: Objection to form.</p> <p>18 You can answer.</p> <p>19 A. Yes. I wrote this right after it</p> <p>20 happened.</p> <p>21 Q. Did Mr. Atkins say that he</p> <p>22 understood?</p> <p>23 A. Initially he did, and I don't</p> <p>24 know -- I think when I said something like --</p> <p>25 like, towards the end of our conversation when I</p>
<p style="text-align: right;">Page 119</p> <p>1 A. Yeah. It has my name at the top.</p> <p>2 That's mine.</p> <p>3 Q. Okay. You reference here in the</p> <p>4 second paragraph, second sentence: He, referring</p> <p>5 to Mr. Atkins, was carrying a sign with antigay</p> <p>6 slogan written on it.</p> <p>7 What was the antigay slogan?</p> <p>8 A. I don't know. I would have</p> <p>9 written it specifically if I knew it.</p> <p>10 Q. Do you remember what was on his</p> <p>11 signs or sign, I should say, singular?</p> <p>12 A. Only that I see it today. It</p> <p>13 appeared to have some kind of Bible -- I don't</p> <p>14 know if it was a specific verse.</p> <p>15 Q. Okay. Do you remember him saying</p> <p>16 anything antigay while he was there?</p> <p>17 MR. CONLEY: Objection to form.</p> <p>18 You can answer.</p> <p>19 A. Like, specifically I don't</p> <p>20 remember him saying, like, I hate you, you gay</p> <p>21 people. However, when, you know, you're</p> <p>22 condemning people for their belief, I would</p> <p>23 consider that to be antigay.</p> <p>24 Q. What did he say that made you</p> <p>25 think he was condemning people for their belief?</p>	<p style="text-align: right;">Page 121</p> <p>1 went on about saying something about respecting</p> <p>2 them or whatever, and that's when he said, you</p> <p>3 know who respect -- you do you. I'll do me or</p> <p>4 something like that. That would have came after</p> <p>5 that.</p> <p>6 Q. It says he began to yell at the</p> <p>7 people at the event --</p> <p>8 A. Yes.</p> <p>9 Q. -- followed by what we've</p> <p>10 described as your first interaction with Mr.</p> <p>11 Atkins. Did he yell before you interacted with</p> <p>12 him the first time?</p> <p>13 A. Yes. I wouldn't have approached</p> <p>14 him if he had been standing there quietly.</p> <p>15 Again, I'm not looking for extra work to do, and</p> <p>16 I'm not looking for conflict. I would not have</p> <p>17 approached him had he not.</p> <p>18 Q. The third paragraph says: Less</p> <p>19 than a minute later he resumed yelling derogatory</p> <p>20 comments to the people at the event.</p> <p>21 A. Yes.</p> <p>22 Q. What was the derogatory comment?</p> <p>23 A. Well, that was the -- whatever he</p> <p>24 yelled, something about he yelled yo God or</p> <p>25 something like that. I don't remember what he</p>

<p style="text-align: right;">Page 122</p> <p>1 said.</p> <p>2 Q. Why did you think the comment "yo</p> <p>3 God is not" is derogatory?</p> <p>4 A. Well, I may have not heard him</p> <p>5 correctly when he said it. It's easy to hear</p> <p>6 now. There was no -- I had not turned my body</p> <p>7 cam footage on yet, so there was no footage to</p> <p>8 review. That may have just been the way that I</p> <p>9 interpreted it.</p> <p>10 Q. What did you think he said at the</p> <p>11 time?</p> <p>12 A. I don't even know. All I know</p> <p>13 that he was yelling something I know -- he's</p> <p>14 yelling something towards the people at the</p> <p>15 event, and he's -- I know he's not yelling yay</p> <p>16 for any kind of support.</p> <p>17 Q. If he had been yelling in</p> <p>18 support, would you have arrested him?</p> <p>19 A. If he had been yelling in</p> <p>20 support? Well, no. Then he's not disrupting the</p> <p>21 event.</p> <p>22 Q. There was a time where he was</p> <p>23 sitting on the sidewalk after you had put him in</p> <p>24 cuffs?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 124</p> <p>1 each other, but they chose not to take it any</p> <p>2 further. Why push it to the point where this</p> <p>3 happens? That's what I don't understand.</p> <p>4 Q. So if he had stood there and held</p> <p>5 his sign and not spoken up, he would not have</p> <p>6 been arrested. Is that correct?</p> <p>7 MR. CONLEY: Objection to form.</p> <p>8 You can answer.</p> <p>9 A. Partially. He could speak up.</p> <p>10 Just don't speak up in language that's designed</p> <p>11 to get a negative reaction from the crowd that's</p> <p>12 there which I thought I made clear to all of</p> <p>13 them.</p> <p>14 Q. Okay. I'm going to turn you now</p> <p>15 to Reading 8, and I'll represent to you this is</p> <p>16 the affidavit of probable cause from the criminal</p> <p>17 complaint you filed. Let me know if you need a</p> <p>18 second to review it, but I'm just going to ask,</p> <p>19 you changed the language a little bit in the</p> <p>20 second paragraph from your narrative to this</p> <p>21 affidavit. The second sentence: He was carrying</p> <p>22 a sign with a slogan written on it.</p> <p>23 Why did you revise the language</p> <p>24 from an antigay slogan to just a slogan in the</p> <p>25 affidavit?</p>
<p style="text-align: right;">Page 123</p> <p>1 Q. And you walked him over next to</p> <p>2 the building, and you said something along the</p> <p>3 lines of all you had to do was keep your mouth</p> <p>4 shut. Do you recall saying that?</p> <p>5 A. Yes. I do.</p> <p>6 Q. And is it accurate that if he had</p> <p>7 not spoken, you would not have arrested him?</p> <p>8 A. No. That's not accurate.</p> <p>9 MR. CONLEY: Objection to form.</p> <p>10 A. He's free to speak. The specific</p> <p>11 instructions were don't disrupt this event, and</p> <p>12 to me, this is a simple thing. It's a simple</p> <p>13 thing. Why do we have to take it to this level?</p> <p>14 Why does it have to get pushed this far?</p> <p>15 Q. What do you mean pushed this far?</p> <p>16 A. Why does this have to be taken to</p> <p>17 the level of an arrest? Why? Why couldn't you</p> <p>18 just -- you stand there. You're holding a sign.</p> <p>19 You're already -- people can see you're against</p> <p>20 what's going on. Your opinion and your concern</p> <p>21 is noted. I talked to him. Please stop. Don't</p> <p>22 do this. Don't disrupt this event.</p> <p>23 If he had just stood there, held</p> <p>24 his sign. The other guys were standing there</p> <p>25 holding their sign. They were talking amongst</p>	<p style="text-align: right;">Page 125</p> <p>1 A. Well, two reasons. Number one, I</p> <p>2 don't like the cut-and-paste narrative into the</p> <p>3 affidavit which too often our officers do. The</p> <p>4 second reason is, I write this first, the RMS</p> <p>5 report or -- I'm sorry. It used to be called</p> <p>6 RMS, but our internal report.</p> <p>7 Q. When you say "this," I'm going to</p> <p>8 stop you. You're referring to Reading 3?</p> <p>9 A. Yes, sir. Yes. Reading 3. I'm</p> <p>10 sorry. I wrote this first, and at that I do the</p> <p>11 affidavit. Now, our computer system -- I'm</p> <p>12 sorry. Our computer system had changed from the</p> <p>13 time that I was promoted to this event, and I was</p> <p>14 not -- and like I said before, sergeants don't</p> <p>15 often do charges. I was not very proficient in</p> <p>16 this system, so I had to get -- which is another</p> <p>17 reason I was frustrated because I knew this was</p> <p>18 going to happen. I had to get a patrolman help</p> <p>19 me do this.</p> <p>20 And by the time somebody was</p> <p>21 available -- it wasn't that long -- and walked me</p> <p>22 through this system, by the time I got here, I</p> <p>23 had more time to think about what went on, and I</p> <p>24 realized, you know what? I can't specifically</p> <p>25 recall what was written on the sign. Therefore,</p>

<p style="text-align: right;">Page 126</p> <p>1 this report, which I may have to testify to some 2 day in court, I'm not going to write antigay 3 slogan because I can't specifically remember what 4 the slogan was. That's why I took that out. 5 Q. The last line says: I 6 respectfully request Atkins be arraigned for 7 disorderly conduct (M3). 8 A. Yes. 9 Q. The decision to charge a 10 misdemeanor was your decision, correct? 11 A. Yes. 12 Q. Did you run that by anybody else? 13 A. I did. And that's normally -- 14 for a low-level offense like this, that's not 15 normally something that we would do. We normally 16 wouldn't check with somebody. 17 When I was -- when we were 18 escorting Mr. Atkins after he was handcuffed to 19 Cedar Street or probably more after when we were 20 actually on Cedar Street, I'm sorry, waiting for 21 the wagon, I started to think about the charges. 22 Is this going to be a summary or a misdemeanor? 23 I had been -- I've been doing this for a long 24 time, and I've charged disorderly conduct a lot. 25 I know that this is borderline at best. I get</p>	<p style="text-align: right;">Page 128</p> <p>1 What was the reason you substantiated a 2 misdemeanor here instead of a summary? 3 A. The last three words here, 4 request to desist. That's what I based it on. 5 Q. It was based on the initial 6 interaction you had with Mr. Atkins where you 7 asked him not to yell? 8 A. Yes. I would not just go off and 9 arrest somebody. Certainly -- well, in this 10 circumstance, it certainly didn't warrant it from 11 my point of view, so the request to desist is 12 what I used to make that determination. 13 Q. You didn't have a device on you 14 on June 3rd to measure volume, did you? 15 A. No. 16 Q. You're not measuring decibels or 17 anything else? 18 A. No. I don't know that we even 19 have those. 20 Q. There's no policy in Reading 21 about how loud someone can be on the street 22 during daylight hours, is there? 23 A. No. That would be kind of hard 24 to monitor. 25 Q. And there's no policy at</p>
<p style="text-align: right;">Page 127</p> <p>1 that. And this very easily could have been a 2 summary. And my inclination was this is going to 3 be a summary offense. 4 It did not change what happened 5 to him that day very much. He didn't have an ID 6 on him. He was still going to go -- I didn't 7 want to cite and release him, release him right 8 back into the crowd. He didn't have an ID. He 9 was still going to go to central processing which 10 is where he would have been released from. 11 I went inside, and I talked to 12 the shift commander that day. The shift 13 commander is normally a lieutenant. However, if 14 a lieutenant is off, a sergeant fills in that 15 role. In this case, it was Sergeant Mangus. I 16 said, what do you think about this? This is what 17 I think I want to do. He said, I think you 18 should charge the misdemeanor, and it can get 19 pled down to a summary. I'm like -- I said, 20 well, okay. I'll charge the misdemeanor, and 21 that's how that was decided. 22 Q. What were the factors -- let me 23 back up. I'm going to hand you Section 5503. We 24 talked earlier about the idea of repeated conduct 25 being a reason to charge disorderly conduct.</p>	<p style="text-align: right;">Page 129</p> <p>1 permitted events about the distance people have 2 to be for a counterprotest from the permitted 3 event? 4 A. That -- no. There's not. That 5 would be also very difficult, and this is not 6 something -- this is the first time in my career 7 that I've ever dealt with a 8 protester/counterprotester situation, so it's not 9 something that comes up. 10 Q. Have you ever received any 11 training on dealing with counterprotestors or 12 protesters? 13 A. Yes. 14 Q. When was that? 15 A. I don't remember the exact year. 16 I believe it was the spring of '19. Now, that 17 training took place at Alvernia, and it was a 18 little bit different in that we were dealing 19 with -- we have a large amount of police 20 officers, and we're dealing with protesters. 21 It wasn't this small police 22 officers which we have which only three at an 23 event and then a protester shows up. So it 24 wasn't really geared towards what the pride thing 25 was. It was geared towards, like, we have a</p>


<p style="text-align: right;">Page 130</p> <p>1 large police. We have 30 police officers, and 2 we're going to take care of this in riot gear. 3 Q. We had reference yesterday from 4 Chief Tornielli to an email that was sent out in 5 2020 or 2021 to the department on how to deal 6 with protests. Do you recall receiving that 7 email? 8 A. I don't remember what he said 9 about it initially. The one -- the one I'm 10 thinking of is the one after this event where he 11 said, hey, roll your body cameras the whole time. 12 Q. Okay. And you don't remember any 13 other emails from the chief or from the Reading 14 Police Department about how to deal with 15 protests? 16 A. I don't recall one, although it 17 seems likely that one would have come out in the 18 wake of -- in the aftermath of the George Floyd 19 incident because we did have some issues after 20 that, but, again, it was completely different 21 than this in that there was no counterprotestors. 22 Q. Okay. Just give me one sec. 23 Chief Tornielli yesterday said that he wasn't 24 sure if anything had occurred before the videos 25 that we watched today between you and Mr. Atkins.</p>	<p style="text-align: right;">Page 132</p> <p>1 A. No. No. 2 MR. READY: Thank you. That's 3 all the questions I have. 4 MR. CONLEY: I'm going to have 5 some cross. I guess redirect. 6 (A short break was taken.) 7 * * * 8 EXAMINATION 9 BY MR. CONLEY: 10 Q. Sergeant McClure, I just want to 11 go back and clarify some of the things that you 12 testified about today. Do you recall testifying 13 about your training at the academy regarding the 14 First Amendment? 15 A. Yes. 16 Q. And I believe that you testified 17 that you couldn't recall specifically your 18 training. Is that correct? 19 A. Yes. 20 Q. But I want to go a little bit 21 beyond that. You understand that the First 22 Amendment provides that you as a police officer 23 can't discriminate based upon viewpoint, correct? 24 A. Yes. 25 Q. But you do have discretion to</p>
<p style="text-align: right;">Page 131</p> <p>1 Is there anything that was not caught on video 2 between you and Mr. Atkins that you think bears 3 on your decision to arrest or bears on the 4 situation? 5 A. Well, the only thing or the thing 6 that stands out to me is the vantage point of 7 that YouTube video, the person who was filming 8 it, the volume level doesn't -- the microphone 9 doesn't really pick up our initial interaction, 10 what he said that led me to walk over there, and, 11 again, I would not have walked over there without 12 a reason. I'm not that -- I'm not ambitious, I 13 guess. I don't know. 14 Q. And you don't recall what he 15 said? 16 A. No. I don't recall specifically. 17 Q. Is there anything else that was 18 not picked up on video or audio that you think 19 bears on this situation? 20 A. That's all I can think of right 21 now. 22 Q. Okay. Is there anything that's 23 not listed in your affidavit of probable cause 24 that you believe gave you probable cause for this 25 arrest?</p>	<p style="text-align: right;">Page 133</p> <p>1 place reasonable time, place and manner 2 restrictions on certain types of speech. Is that 3 right? 4 A. Yes. 5 Q. Is that within your understanding 6 and training? 7 A. Yes, sir. 8 Q. Okay. Applying that forward, 9 when you gave some direction to Damon Atkins 10 about not disrupting the event, was that within a 11 reasonable time, place and manner restriction? 12 MR. READY: Object to form. 13 Q. You can answer. 14 A. Yes. 15 Q. Okay. And then he didn't follow 16 your directive. Is that correct? 17 A. Yes. 18 Q. Was that part of the reason that 19 you arrested him for disorderly conduct? 20 A. Yes. 21 Q. The content of his speech was 22 irrelevant to the reason that you arrested him 23 for disorderly conduct. Is that correct? 24 A. Well, I felt the content of his 25 speech was designed to antagonize the crowd,</p>


<p style="text-align: right;">Page 134</p> <p>1 which is why he was arrested.</p> <p>2 Q. Okay. I should clarify. It</p> <p>3 wasn't because of his viewpoint?</p> <p>4 A. No.</p> <p>5 Q. I think there was some testimony</p> <p>6 about whether you had reviewed all the policies</p> <p>7 and procedures that were shown to you today. Do</p> <p>8 you recall that?</p> <p>9 A. Yes.</p> <p>10 Q. And I think at one point you said</p> <p>11 that you couldn't recall reviewing them or all of</p> <p>12 them. I just want to clarify. You reviewed them</p> <p>13 upon receipt. Is that right?</p> <p>14 A. Yes. New updated general orders</p> <p>15 which are given out a single general order at a</p> <p>16 time maybe a couple times a year are reviewed</p> <p>17 upon receipt. The general orders are given to us</p> <p>18 at the time I started in a very large binder, and</p> <p>19 you're given it to an orientation, say read this.</p> <p>20 Like, the ones that we -- that apply to us on a</p> <p>21 day-to-day basis were gone over with us. The</p> <p>22 other instructions were to read the rest.</p> <p>23 Q. Okay. So when you said that you</p> <p>24 don't recall reviewing them, you were talking</p> <p>25 about voluntarily going back and re-reviewing</p>	<p style="text-align: right;">Page 136</p> <p>1 have been an error in my office. Reading</p> <p>2 16 not confidential is the one I'm</p> <p>3 referring to. It's not the photograph of</p> <p>4 his license.</p> <p>5 MR. READY: I got it now. Thank</p> <p>6 you.</p> <p>7 BY MR. CONLEY:</p> <p>8 Q. You testified about that you</p> <p>9 should have had your body camera on earlier</p> <p>10 before your first interaction with who we now</p> <p>11 understand at least to be Matthew Wear or the man</p> <p>12 taking the YouTube video. You mentioned that in</p> <p>13 hindsight you wanted to have it on earlier?</p> <p>14 A. Yes.</p> <p>15 Q. Can you explain that to me why</p> <p>16 you would want to have it on earlier?</p> <p>17 A. Well, to capture -- like I said,</p> <p>18 I turned it on within policy at the time.</p> <p>19 Looking back on the event and all that transpired</p> <p>20 afterwards, I wish I would have had it on from</p> <p>21 the entire time from the very first interaction</p> <p>22 just to give a better idea to everyone involved</p> <p>23 that, hey, these warnings had taken place to</p> <p>24 other people, and they complied. Just to give a</p> <p>25 more accurate, complete picture.</p>
<p style="text-align: right;">Page 135</p> <p>1 them. Is that about right?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. Just for purposes of the</p> <p>4 record, I believe that you were referred to</p> <p>5 Reading 18, if you want to turn to that.</p> <p>6 A. Yes.</p> <p>7 Q. And I believe counsel questioned</p> <p>8 you about this, referencing at least the permit.</p> <p>9 Do you recall that?</p> <p>10 A. Yes.</p> <p>11 Q. Is that actually the permit or is</p> <p>12 that the permit application?</p> <p>13 A. Eighteen is not the permit</p> <p>14 itself. No.</p> <p>15 Q. Okay. If you turn to 16, Reading</p> <p>16 16, is that the permit itself?</p> <p>17 A. Yes. That's the permit.</p> <p>18 Q. Okay.</p> <p>19 MR. READY: I'm sorry. Can you</p> <p>20 say the number you said?</p> <p>21 MR. CONLEY: Reading 16.</p> <p>22 MR. READY: Reading 16.</p> <p>23 MR. CONLEY: Yes. There's two</p> <p>24 Reading sixteens. There's Reading 16-A</p> <p>25 confidential. I apologize. That must</p>	<p style="text-align: right;">Page 137</p> <p>1 Q. Okay.</p> <p>2 MR. CONLEY: I apologize. I just</p> <p>3 need to take a quick break.</p> <p>4 (A short break was taken.)</p> <p>5 BY MR. CONLEY:</p> <p>6 Q. There was some testimony about</p> <p>7 you saying, quote, this is not a thing. Do you</p> <p>8 recall that?</p> <p>9 A. Yes.</p> <p>10 Q. Is that something that you use to</p> <p>11 diffuse a situation?</p> <p>12 A. Yes. I use that phrase a lot.</p> <p>13 Q. And as a police officer, you</p> <p>14 know, is part of your job to diffuse potential</p> <p>15 situations before they arise?</p> <p>16 A. Sure. Our department, and I'm</p> <p>17 sure most police departments or any law</p> <p>18 enforcement agency, is going to encourage people</p> <p>19 to de-escalate situations.</p> <p>20 Q. And is that something that you do</p> <p>21 based on your training and years of experience?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. There was some testimony</p> <p>24 about whether you asked the people involved in</p> <p>25 the pride celebration specifically not to harass</p>

<p style="text-align: right;">Page 138</p> <p>1 others or to cross the street. Was there any 2 reason for you to inform the people at the pride 3 event not to harass others or cross the street? 4 A. No. No. 5 Q. I believe there was also some 6 testimony regarding -- or at least counsel asked 7 you about the content of what Mr. Atkins was 8 saying in the context of whether you would have 9 arrested him, and we went over that earlier. I 10 just wanted to touch base with you on one thing. 11 If he had been -- I'm sorry. Let me strike that. 12 What I'm referring to is the 13 content of the pride event. 14 A. Yes. 15 Q. And you were asked about 16 providing services to that pride event. If the 17 event was a, quote, I hate police, end quote, 18 event, would the city, if it had permitted it, 19 would you have provided the same services? 20 A. Well, we would have probably 21 provided more services because we would be 22 expecting problems. Our number one thing in 23 traffic that the traffic unit is in charge of 24 with these events is traffic itself. The 25 security aspect -- I hate to say it's secondary</p>	<p style="text-align: right;">Page 140</p> <p>1 A. That is true. 2 Q. Sometimes I have a hard day, and 3 I get frustrated, but nobody is viewing body 4 camera footage of me having a frustrating day. 5 That's something that you have to deal with. Is 6 that right? 7 A. Yes. 8 Q. Okay. And just because you might 9 be frustrated, that doesn't necessarily mean that 10 you have violated somebody's rights. Is that 11 correct? 12 MR. READY: Object to form. 13 Q. You can answer. Sorry. 14 A. That's correct. That's not going 15 to influence my decision-making. Some of the 16 things that I said, specifically shut up isn't 17 something I -- would not normally say, no, but it 18 does not affect my decision-making or deciding to 19 make an arrest. That's got to maintain -- that's 20 got to stay clear at all times. 21 Q. And specifically regarding saying 22 shut up, I believe that was directed towards Mr. 23 Wear. Is that correct? 24 A. Yes. 25 Q. And was he speaking over you at</p>
<p style="text-align: right;">Page 139</p> <p>1 because it's always -- that's always present in 2 what we do, but we're tasked with these events 3 for the traffic reason. 4 Q. Okay. My question is more about 5 the purpose and content of a permitted event. 6 That doesn't change whether the city allows the 7 event. Is that right? 8 A. It may. If there was a group 9 that was -- had a history of violence, like, say, 10 for instance, a terrorist organization, like, 11 wanted to come into town, no. They would not be 12 allowed a permit. 13 Q. Okay. But based upon a 14 viewpoint, the city does not change its practice? 15 A. No. 16 Q. Okay. You were asked some 17 questions about becoming frustrated. Do you 18 recall that testimony? 19 A. Yes. 20 Q. Is it fair to say that your 21 orders had not been followed that day? 22 A. Only regard with -- to Mr. 23 Atkins. 24 Q. Sometimes police officers have 25 hard days. Is that fair?</p>	<p style="text-align: right;">Page 141</p> <p>1 that time? 2 A. Yes. 3 Q. And Mr. Atkins, you watched some 4 of the video, but I'm asking from your 5 perspective, when you approached him and you were 6 discussing with him, was he speaking over you? 7 A. Yes. Yeah. And that's common in 8 these situations where people don't want 9 to -- people don't want to listen to what the 10 police say, and they just keep talking, and that 11 can be -- that can be frustrating. 12 Q. You were asked some questions 13 about whether you spoke to any people at the 14 pride event or anybody else about whether they 15 were feeling harassed by David Atkins. Do you 16 recall that testimony? 17 A. Yes. 18 Q. Do you as a police officer 19 require permission or approval from third parties 20 such as citizens before you make an arrest? 21 A. In the case of disorderly 22 conduct, no. When we cite disorderly conduct, 23 there has to be a victim. We use City of Reading 24 as a victim. As far as interviewing other people 25 involved, disorderly conduct is such a low-level</p>

<p style="text-align: right;">Page 142</p> <p>1 offense that it would not be -- I've never even 2 seen it done where people would do any 3 interviewing of other people present. 4 Interviewing witnesses is something you would do 5 for either a major arrest or perhaps something 6 like a car crash, but not for low-level offenses 7 like this. 8 Q. Suffice it to say, you had 9 probable cause to arrest without interviewing 10 witnesses? 11 A. Yes. 12 Q. Okay. You were asked some 13 questions about the volume of the speech in 14 relation to some of those videos that you had 15 seen today. Do you have any information or 16 knowledge about the quality -- let me break that 17 up. 18 Let's start with the cell phone 19 video or I believe it was cell phone video, the 20 video taken by Mr. Wear. Do you have any 21 knowledge or information about the quality of 22 that recording device? 23 A. I do not. 24 Q. Do you have any knowledge or 25 information about whether that recording device</p>	<p style="text-align: right;">Page 144</p> <p>1 Q. And you were asked a lot of 2 questions about the video taken by Matthew Wear. 3 Were you ever standing directly where Matthew 4 Wear was standing while he was taking those 5 videos? 6 A. No. I wasn't. 7 Q. So those videos don't reflect 8 your perspective of the scene, do they? 9 A. No. 10 Q. Okay. Do you know whether what 11 Matthew Wear heard and what his camera or 12 recording device heard was the same as what you 13 heard? 14 A. No. 15 Q. Would you have any way of knowing 16 that? 17 A. No. I wouldn't. 18 Q. I want to talk briefly again 19 about the perspective of a body camera. The 20 camera lens of a body camera or the body camera 21 that you were wearing, is it a fish-eye camera? 22 A. I'm not sure what that means. 23 Q. Does it capture a broader -- it 24 changes the perspective so it captures the 25 broader area?</p>
<p style="text-align: right;">Page 143</p> <p>1 accurately picks up volume? 2 A. I do not. 3 Q. Do you have any information about 4 whether that recording device was tampered with 5 in any way before the video was uploaded? 6 A. I do not. 7 Q. Do you have any knowledge or 8 information about whether the YouTube video that 9 you saw, whether the quality of the volume and 10 recording was affected by the fact that it was 11 uploaded to the internet? 12 A. I do not. 13 Q. Okay. Do you have any -- let me 14 ask you this: From your perspective, absent 15 viewing a video of the event that is not from 16 your perspective, was Mr. Atkins yelling? After 17 you had first spoken to him, was he yelling? 18 A. Yes. 19 Q. Okay. And regardless of what 20 somebody else might interpret a third-party 21 video, from your perspective, the officer on the 22 scene, he was being disorderly? 23 A. Yes. 24 Q. And he was ignoring your orders? 25 A. Yes.</p>	<p style="text-align: right;">Page 145</p> <p>1 A. No. In fact, they're designed to 2 capture a narrower -- 3 (Brief interruption.) 4 (A short break was taken.) 5 MR. CONLEY: Would you read back 6 the question, and if you want to start 7 over with your answer. 8 (The court reporter read the last 9 question and answer from the record as 10 requested.) 11 THE WITNESS: Right. The body 12 cameras as we were told by the company 13 that makes them when we first got them, 14 which I think was '19 or '20, that the 15 perspective is narrower than your field 16 of vision. 17 BY MR. CONLEY: 18 Q. Okay. Does it affect distance, 19 the perception of distance? 20 A. Yes. They do affect perception 21 of distance and things, buildings. You know, as 22 we can see on there, City Hall appears distorted. 23 It appears a little bent at the top, and also 24 just because they're not at eye level. There's 25 no way for us to wear them that way, and most of</p>

<p style="text-align: right;">Page 146</p> <p>1 us wear them pretty much in the center of our 2 chest.</p> <p>3 Q. And you said that City Hall 4 appeared bent at the top in the body camera 5 footage. I assume it goes without saying, but 6 I'm going to ask: Is City Hall bent at the top 7 in reality?</p> <p>8 A. Not to my knowledge.</p> <p>9 Q. Okay. Did you see on the YouTube 10 video that you viewed taken by Matthew Wear how 11 long that video was?</p> <p>12 A. It was five minutes, 25 seconds.</p> <p>13 Q. And would you agree with me that 14 Attorney Ready stopped it at four minutes and 57 15 seconds?</p> <p>16 A. Yes. I remember it was four -- 17 it was almost five minutes.</p> <p>18 Q. So you were not shown the entire 19 video?</p> <p>20 A. That's correct.</p> <p>21 Q. Okay. Have you seen any other 22 videos, YouTube videos from Matthew Wear and 23 Barely Preacher Man other than the one you saw 24 today?</p> <p>25 A. No.</p>	<p style="text-align: right;">Page 148</p> <p>1 side that they were on. I was not there. But if 2 they're standing, like, in front of City Hall, 3 and they're talking, you know, they're saying 4 what they say, but they're saying it, like, in 5 front of the doors and not allowing people to go 6 in the doors or disrupting, you know, or if 7 they're in the street disrupting traffic or just 8 disrupting the normal flow of events at City Hall 9 or if they went to City Hall inside itself and 10 started to do that, there would certainly be 11 restrictions on that, so yes. There can be 12 certain restrictions.</p> <p>13 Q. You were asked about -- you were 14 asked about whether frustration affected your 15 decisions, and you said it did when you said shut 16 up. Were there any other times throughout the 17 course of this day that frustration affected your 18 decisions and your interactions with the 19 counterprotestors?</p> <p>20 MR. CONLEY: Objection to form. 21 Go ahead.</p> <p>22 A. My decision-making, no. Some of 23 the things -- I want to say the things I said are 24 fairly tame compared to my co-workers, but some 25 of the things I said were not as well thought out</p>
<p style="text-align: right;">Page 147</p> <p>1 MR. CONLEY: All right. That's 2 all I have. Thank you.</p> <p>3 MR. READY: A couple follow-up 4 questions.</p> <p>5 * * *</p> <p>6 RE-EXAMINATION</p> <p>7 BY MR. READY:</p> <p>8 Q. What's your understanding of 9 time, place and manner restrictions?</p> <p>10 A. Well, there's 11 certainly -- certain things you could say could 12 be affected by, for instance, the time of day. 13 Could you stand on the street corner and play 14 music? We have a fellow at 6th and Penn who does 15 that all day long and dances to it.</p> <p>16 Now, if this were happening at 17 night when people are making a complaint about 18 the noise, certainly that's going to -- that's 19 going to affect that. In the daytime we allow it 20 to go on. At night after hours, people are going 21 to have more complaints, so there will be 22 restrictions on noise.</p> <p>23 Distance, again, for instance, 24 if -- people came to City Hall last week to 25 protest about Israel, and I don't recall which</p>	<p style="text-align: right;">Page 149</p> <p>1 as -- I'm usually a little more deliberate when I 2 speak out in the street. And just all the things 3 that were going on that day were clamant to a 4 level of frustration, but, nevertheless, you 5 cannot allow frustration to cloud your judgment 6 in decision-making processes.</p> <p>7 Q. Did any organizers of the event 8 or attendees of the event tell you during or 9 after the event that the event was disrupted by 10 any of the counterprotestors?</p> <p>11 A. No. No. I did not get any 12 feedback that day.</p> <p>13 Q. Okay. How about after that day?</p> <p>14 A. Many, many, many months after, 15 somebody involved in this group had said we thank 16 you for taking the action that you did.</p> <p>17 Q. Who was that?</p> <p>18 A. That was Enrique Castro.</p> <p>19 Q. And did he tell you that the 20 events had not started on time or had not 21 proceeded on schedule or had not been able to do 22 something because of any of the 23 counterprotestors?</p> <p>24 A. No. No. It was very brief. It 25 was him saying that one sentence.</p>

<p style="text-align: right;">Page 150</p> <p>1 Q. Did he see you somewhere?</p> <p>2 A. Yes. We had a meeting for his</p> <p>3 plans for this summer's pride event.</p> <p>4 Q. You were asked about the yelling</p> <p>5 after you had your first confrontation with Mr.</p> <p>6 Atkins.</p> <p>7 (Brief interruption.)</p> <p>8 Q. You were asked about what</p> <p>9 happened after your first interaction with Mr.</p> <p>10 Atkins that day?</p> <p>11 A. Yes.</p> <p>12 Q. And there was some discussion</p> <p>13 with your counsel just now about the yelling. I</p> <p>14 just want to confirm, other than the phrase "yo</p> <p>15 God is not," did you hear Mr. Atkins say anything</p> <p>16 else after your initial warning to him?</p> <p>17 A. Yes. The stuff he said to me as</p> <p>18 I was walking away, which I thought he's got a</p> <p>19 problem with me. He's talking to me. That's</p> <p>20 something we deal with every day, so we can't let</p> <p>21 that affect...</p> <p>22 Q. Other than that, you didn't hear</p> <p>23 him say anything else toward the protesters?</p> <p>24 A. No.</p> <p>25 Q. Okay. I'm going to show you the</p>	<p style="text-align: right;">Page 152</p> <p>1 A. I can't think of anything right</p> <p>2 now.</p> <p>3 Q. Okay. All right.</p> <p>4 MR. READY: That's all I have.</p> <p>5 MR. CONLEY: I've got nothing</p> <p>6 else. Thank you. We'll waive read and</p> <p>7 sign.</p> <p>8 (Deposition was concluded at</p> <p>9 12:18 p.m.)</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 151</p> <p>1 video, the YouTube video we have been watching.</p> <p>2 I'm going to start it at 4:57.</p> <p>3 (Video being played.)</p> <p>4 Q. Okay. You've seen the whole</p> <p>5 video at this point, correct?</p> <p>6 A. Yes.</p> <p>7 Q. You've seen the whole video at</p> <p>8 this point. Is there anything in this video that</p> <p>9 you believe is not an accurate reflection of what</p> <p>10 happened that day?</p> <p>11 MR. CONLEY: Objection to form.</p> <p>12 A. Other than what I said before, it</p> <p>13 doesn't pick up what he said, Mr. Atkins is who</p> <p>14 I'm referring to, what the plaintiff said that</p> <p>15 led me to talk to him in the first place.</p> <p>16 Q. Okay. Anything else that you</p> <p>17 think is not accurately reflected in that video?</p> <p>18 A. No.</p> <p>19 Q. Is there anything that we have</p> <p>20 not discussed today that you think sheds</p> <p>21 additional light on why you arrested Mr. Atkins</p> <p>22 or justifies your actions that we have not asked</p> <p>23 you about?</p> <p>24 MR. CONLEY: Objection to form,</p> <p>25 but you can answer.</p>	<p style="text-align: right;">Page 153</p> <p>1 CERTIFICATE</p> <p>2</p> <p>3 COMMONWEALTH OF PENNSYLVANIA)</p> <p>4)SS:</p> <p>5 COUNTY OF MONTGOMERY)</p> <p>6</p> <p>7 I, Lauren Buchak, Notary Public,</p> <p>8 Registered Merit Reporter and Certified Realtime</p> <p>9 Reporter, do hereby certify that prior to the</p> <p>10 commencement of the examination, BRADLEY T.</p> <p>11 McCLURE was duly sworn or affirmed by me to</p> <p>12 testify to the truth, the whole truth and nothing</p> <p>13 but the truth.</p> <p>14</p> <p>15 I DO FURTHER CERTIFY that the</p> <p>16 foregoing is a verbatim transcript of the</p> <p>17 testimony as taken stenographically by me at the</p> <p>18 time, place and on the date hereinbefore set</p> <p>19 forth, to the best of my ability.</p> <p>20</p> <p>21 I DO FURTHER CERTIFY that I am</p> <p>22 neither a relative nor employee nor attorney nor</p> <p>23 counsel of any of the parties to this action, and</p> <p>24 that I am neither a relative nor employee of such</p> <p>25 attorney or counsel, and that I am not</p> <p>financially interested in the action.</p> <p>16</p> <p>17</p> <p>18</p> <p>19 </p> <p>20 LAUREN A. BUCHAK, RMR, CRR</p> <p>21 Notary ID Number: 1115041</p> <p>22 Notary Expiration: February 20, 2028</p> <p>23 Dated: April 8, 2024</p> <p>24</p> <p>25</p>

From: Audra Schreiner
To: Event Response Group
Cc: Event Information Group
Subject: #047-2023 Pride March & Rally (SE)
Date: Tuesday, April 25, 2023 2:19:00 PM
Attachments: 

Good Afternoon,



I am forwarding the Special Event application#047-2023 for the Pride March & Rally. The above mentioned event is for your information/approval (please see attached). When replying, please CC: Sgt. Bradley McClure. **Please do not reply all as it will clog up mailboxes, thank you.**

COI will be forwarded when it is made available.

If there are any issues that affect the approval of the said event per your department, please contact the applicant directly so they can be addressed.

If you have any questions, please feel free to reach out.
Thank you and have a wonderful day! ☺

Audra

Audra E. Schreiner
Traffic Secretary
Reading Police Traffic Law Enforcement Unit
City of Reading
815 Washington Street | Room 1-18
Reading, PA 19601
@ReadingPA.gov | www.ReadingPA.gov
Tel:  | Fax: (610) 655-6392



This e-mail and any attachments may contain information that is confidential and/or privileged and prohibited from disclosure or unauthorized use under applicable law. If you are not the intended recipient, you are hereby notified that any disclosure, copying or distribution or taking of action in reliance upon the contents of this transmission is strictly prohibited. If you have received this e-mail in error, you are instructed to notify the sender by reply e-mail and delete it to the fullest extent possible once you have notified the sender of the error.

Date & Time Received: Apr. 25, 2023 By: JDS Application #: 047-2023

City of Reading Special Event

This application **MUST** be submitted 90 days prior to the Event along with the \$100 application fee (\$50 for non-profit) and the \$500 security deposit.

Name of Event: Pride March & RallyRequested Date(s) for the Event: June 3rd, 2023

Event Activity	Starting Date(s)	Ending Date(s)	Starting Time	Ending Time
Set Up	800 6/3	6/3	9 AM	10 AM
Actual Event	6/3	6/3	10 AM	3 PM
Tear Down	6/3	6/3	3 PM	4 PM
Clean Up	6/3	6/3		

Rain Date(s) for the Event: N/ALocation: Flag raising at city hall followed by March down 8th and up Penn St to City Park.

Purpose: (please explain or attach a copy of your agenda or planned activities) _____

Number of persons expected to attend: 500

For all non-stationary Events – route to be traveled, starting point and termination point. Also include a statement as to whether the Event will occupy all or only a portion of the width of the street/trail proposed. Include a copy of the proposed route and/or map including assembly and disbanding area and specific details as needed. 8th & Washington to Penn St then up Penn St into City Park.

The approximate number of persons, vehicles, and animals which will constitute the non-stationary Event (please include a description of the vehicles): 2-H vehicles,

The cost of admission, if any, and whether the Event is public or private: None.

Conditions and restrictions on the use of alcoholic beverages. Submit a list of all vendors who will provide alcohol: NO Alcohol

Sale of food: Yes _____ (submit copies of health permits) No X

List all food vendors: _____

Please supply a completed 'Event Vendor Health Permit Application' with required documentation for **each** food vendor and a **\$10.00 per vendor fee** for **each** food vendor to the Property Maintenance Division **NO LATER THAN 15 DAYS PRIOR TO THE EVENT**. Submission of the Event Vendor Health Permit Applications and \$10.00 per vendor fee (payable to the City of Reading) is due to the Property Maintenance Division at the City of Reading, 815 Washington St., Room 1-30, and Reading PA 19601.

Other sales: Yes _____ No X

Attach a list of all sales vendors including Name of Business, Contact Name, Mailing Address, Phone Number, Email and type of business.

Number of volunteers/workers: 15 volunteers

List company who will remove all trash/garbage and recycling: Public Works

Parking Plan: City garages

Tents, structures, or entertainment devices: DJ set up at band shell

What will be done under the tent? (Ex. Cooking, tables, chairs, lighting, HEATERS or any flame producing devise, etc.) _____

Tents that are **400 Sq. Ft. OR larger**, shall require a Tent Permit from the Fire Department along with **\$150 fee**.

Provider of portable toilets and hand washing sinks: NIA

Professional Event organizer information: NIA

Security and crowd control plans: RPD

If security firm, Contact Person: NIA

Address: _____

Phone: _____

Do you require electric hookup? (Be specific): yes.

Additional fee is applicable.

Include certificate of comprehensive general liability insurance in the amount of one million dollars naming the City of Reading as additional insured. Also include other affected entities.

Water/wastewater, disposal of soapy water, rinse water, cooking oil, syrups, etc must be disposed of according to all Federal, State and Local regulations.

For field, court, and facility rentals, please contact the Recreation Commission at 610-655-6201 to tentatively reserve the site. (Rentals will be charged separately and will fall under the additional services.)

Applicant Information

Applicant Name: Enrique Castro J.

Daytime Telephone Number: [REDACTED] Cell Number: [REDACTED]

Email: [REDACTED]@readingpride.org Fax Number: [REDACTED]

Address: (please include City, State, and Zip) 616 Shultz Ave, Temple PA 19560

Organization Name: Reading Pride Celebration

Organization Address: 201 Washington St. STE 513, Reading PA 19601

Organization Telephone Number: [REDACTED]

Contact Name at Organization: Enrique Castro J.

Person Seeking to Conduct Event (Chairperson)

Name and Title: ~~Executive~~ Enrique Castro, Executive Director

Daytime Telephone Number: [REDACTED] Cell Number: [REDACTED]

Address: (please include City, State, and Zip) 201 Washington St.

Reading PA 19601

I declare under penalty of perjury that to the best of my knowledge these statements are true and correct. I understand that this application is a contract between the City of Reading and myself and/or the organization/entity requesting the permit.

Applicant's Signature: 

Please print name: Enrique Castro J.

Date: 4/24/23

City reserves the right to deny a permit application that is incomplete, lacking the necessary fees or is otherwise not in compliance with applicable law.

The Applicant for a Permit shall indemnify and hold harmless the City, its officers, employees, agents, and representatives against all claims or liability and causes of action resulting from injury or damage to persons or property arising out of the Event. *The Applicant assumes responsibility for all duties and obligations under the Code of Ordinances of the City of Reading, Chapter 576 Vehicles and Traffic, Part 12 Parades, Special Events, and Public Gatherings, including payment for the Event.*

Notice: The chairman or other person heading or leading this activity SHALL carry the permit upon his/her person during conduct of this activity and make same available upon request of the Chief of Police or his/her designee.

For internal purposes:

- Police Chief or designee Signature: Sgt. Bradley McClure #668 Date: 04/24/2023
- Community Site only
- Special Event permit #: _____ Approved: ____ Partial Denied: ____ Denied: ____

**MP4 Video File, Bates No. Reading 0055
McClure Body Cam (approx. 64.4 MB) submitted
to Judge Gallagher's Chambers via Thumb Drive
and DropBox Link**

**MP4 Video File, Bates No. Reading 0056
McClure Body Cam (approx. 127 MB) submitted
to Judge Gallagher's Chambers via Thumb Drive
and DropBox Link**

**AVI Video File, Bates No. Reading 0059 Building
Footage (approx. 1.47 GB) submitted to Judge
Gallagher's Chambers via Thumb Drive and
DropBox Link**



READING POLICE DEPARTMENT

Deputy Report for Incident 23-021028

Nature: DISORD I
Location: 10C33

Address: 800BLK WASHINGTON ST
READING PA 19601

Offense Codes: 90C

Received By: Rothermel, Mega

How Received: O

Agency: RPD

Responding Officers: McClure, Bradle, Stuart, Paige, Dupree, Courtne, Wilczynski, Kar

Responsible Officer: McClure, Bradle

Disposition: ACT 06/03/23

When Reported: 10:12:58 06/03/23

Occurred Between: 10:12:58 06/03/23 and 10:12:58 06/03/23

Assigned To:

Detail:

Date Assigned: **/**/**

Status:

Status Date: **/**/**

Due Date: **/**/**

Complainant:

Last:

First:

Mid:

DOB: **/**/**

Dr Lic:

Address:

Race:

Sex:

Phone:

City: ,

Offense Codes

Reported:

Observed:

Additional Offense: 90C Criminal Mischief

Circumstances

240 Disorderly Conduct

304 Report Processed

Responding Officers:

Unit :

McClure, Bradle

530

Stuart, Paige

751

Dupree, Courtne

752

Wilczynski, Kar

215

Responsible Officer: McClure, Bradle

Agency: RPD

Received By: Rothermel, Mega

Last Radio Log: 13:01:30 06/03/23 CMPLT

How Received: O OTHER

Clearance: PPR PAPERLESS OR PAPER
REPORT

When Reported: 10:12:58 06/03/23

Disposition: ACT Date: 06/03/23

Judicial Status:

Occurred between: 10:12:58 06/03/23

Misc Entry:

and: 10:12:58 06/03/23

07/06/23

Plaintiff's App. 100

READING 0001

Deputy Report for Incident 23-021028

Page 2 of 3

Modus Operandi:

Description :

Method :

Involvements

Date	Type	Description	Relationship
------	------	-------------	--------------

07/06/23

Deputy Report for Incident 23-021028

Page 3 of 3

Narrative

Sgt. Bradley McClure #668
03 June 2023 1150
23-021028

Today at 0900 I was assigned to work a Community Event in the 800 block Washington St. for a Pride flag raising ceremony. There were a few protesters on location. I told them that they had to stay on the opposite side of the street and that they could not be disruptive. I told them that the group had a permit to hold their event. They complied.

At approximately 1005 another male, later identified as DAMON ATKINS, arrived at the location. He was carrying a sign with an anti-gay slogan written on it. He began to yell to the people at the event. I immediately approached him and told him that, while he was free to stand there on that side of the street and hold his sign, he could not cross the street nor yell comments intended to disrupt the event. ATKINS said he understood.

Less than a minute later he resumed yelling derogatory comments to the people at the event. Because I had already given him warning, I immediately told him he was being arrested for disorderly conduct. Officer Dupree and I handcuffed him escorted him away from the location to await transport to Central Processing.

I filed a criminal complaint charging ATKINS for disorderly conduct (M3 - engaging in tumultuous behavior)

Nothing further

Responsible LEO:

Approved by:

Date

07/06/23

Plaintiff's App. 102

READING 0003

COMMONWEALTH OF
PENNSYLVANIA
COUNTY OF BERKS**POLICE CRIMINAL COMPLAINT**
COMMONWEALTH OF PENNSYLVANIA**VS.**

Magisterial District Number: 23-1-03

MDJ: Hon. KYLEY SCOTT
633 COURT ST
3RD FL
READING, PA 19601
Telephone: 610-378-5101

DEFENDANT:

(NAME and ADDRESS):

DAMON

ATKINS

First Name

Middle Name

Last Name

Gen

NCIC Extradition Code Type

- ☐ 1-Felony Full ☐ 5-Felony Pend. ☐ C-Misdemeanor Surrounding States ☐ Distance:
☐ 2-Felony Ltd. ☐ 6-Felony Pend. Extradition Determ. ☒ D-Misdemeanor No Extradition
☐ 3-Felony Surrounding States ☐ A-Misdemeanor Full ☐ E-Misdemeanor Pending
☐ 4-Felony No Ext ☐ B-Misdemeanor Limited ☐ F-Misdemeanor Pending Extradition Determ.

DEFENDANT IDENTIFICATION INFORMATION

Docket Number	Date Filed 06/03/23	OTN/LiveScan Number	Complaint/Incident Number 23-021028	Request Lab Services? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
GENDER <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female	DOB [REDACTED]	POB	Add'l DOB	Co-Defendant(s) <input type="checkbox"/>
AKA	First Name	Middle Name	Last Name	Gen.

- RACE ☒ White ☐ Asian ☐ Black ☐ Native American ☐ Unknown
 ETHNICITY ☐ Hispanic ☒ Non-Hispanic ☐ Unknown

- HAIR COLOR ☐ GRY (Gray) ☐ RED (Red/Aubn.) ☐ SDY (Sandy) ☐ BLU (Blue) ☐ PLE (Purple) ☒ BRO (Brown)
☐ BLK (Black) ☐ ONG (Orange) ☐ WHI (White) ☐ XXX (Unk/Bald) ☐ GRN (Green) ☐ PNK (Pink)
☐ BLN (Blonde / Strawberry)

- EYE COLOR ☐ BLK (Black) ☒ BLU (Blue) ☐ BRO (Brown) ☐ GRN (Green) ☐ GRY (Gray)
☐ HAZ (Hazel) ☐ MAR (Maroon) ☐ PNK (Pink) ☐ MUL (Multicolored) ☐ XXX (Unknown)

DNA	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	DNA Location	WEIGHT (lbs.) 200
EPI Number	MNU Number		FT HEIGHT (in) 6 6
Defendant Fingerprinted	<input type="checkbox"/> YES <input type="checkbox"/> NO		
Fingerprint Classification			

DEFENDANT VEHICLE INFORMATION

Plate #	State	Hazmat <input type="checkbox"/>	Registration Sticker (MM/YY)	Comm'l Veh. Ind. <input type="checkbox"/>	School Veh. <input type="checkbox"/>	Oth. NCIC Veh. Code	Reg. same as Def. <input type="checkbox"/>
VIN	Year	Make	Model	Style	Color		

Office of the attorney for the Commonwealth ☐ Approved ☐ Disapproved Because:

(The attorney for the Commonwealth may require that the complaint, arrest warrant affidavit, or both be approved by the attorney for the Commonwealth Prior to filing. See Pa.R.Crim.P. 507).

(Name of the attorney for the Commonwealth)

(Signature of the attorney for the Commonwealth)

(Date)

I, MCCLURE, BRADLEY T

(Name of the Affiant)

of Reading Police Department

(Identify Department or Agency Represented and Political Subdivision)

668
PSP/MPOETC-Assigned Affiant ID Number and Badge #PA0061400
(Police Agency ORI Number)

do hereby state: (check appropriate box)

1. ☒ I accuse the above named defendant who lives at the address set forth above
☐ I accuse the defendant whose name is unknown to me but who is described as _____
☐ I accuse the defendant whose name and popular designation or nickname are unknown to me and whom I have
 therefore designated as John Doe or Jane Doe

with violating the penal laws of the Commonwealth of Pennsylvania at [23-1-03]

(Subdivision Code)

(Place-Political Subdivision)

800 BLOCK WASHINGTON ST, READING, BERKS COUNTY, PA

in BERKS

County [06]

(County Code)

06/03/2023 AT 10:08 AM

(Offense Date)

**POLICE CRIMINAL COMPLAINT**

Docket Number:	Date Filed: 06/03/2023	OTN/LiveScan Number	Complaint/Incident Number 23-021028
Defendant Name	First: DAMON	Middle:	Last: ATKINS

2. I ask that a warrant of arrest or a summons be issued and that the defendant be required to answer the charges I have made.

3. I verify that the facts set forth in this complaint are true and correct to the best of my knowledge or information and belief. This verification is made subject to the penalties of Section 4904 of the Crimes Code (18 Pa.C.S. § 4904) relating to unsworn falsification to authorities.

4. This complaint consists of the preceding page(s) numbered _____ through _____.

5. I certify that this filing complies with the provisions of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* that require filing confidential information and documents differently than non-confidential information and documents.

The acts committed by the accused, as listed and hereafter, were against the peace and dignity of the Commonwealth of Pennsylvania and were contrary to the Act(s) of the Assembly, or in violation of the statutes cited.

(Before a warrant of arrest can be issued, an affidavit of probable cause must be completed, sworn to before the issuing authority, and attached.)

(Date)

Sgt. Bradley McElm #668
(Signature of Affiant)

AND NOW, on this date _____ I certify that the complaint has been properly completed and verified.

An affidavit of probable cause must be completed before a warrant can be issued.

(Magisterial District Court Number)

(Issuing Authority)

SEAL



POLICE CRIMINAL COMPLAINT

Docket Number:	Date Filed: 06/03/2023	OTN/LiveScan Number	Complain/Incident Number 23-021028
Defendant Name	First: DAMON	Middle:	Last: ATKINS

The acts committed by the accused are described below with each Act of Assembly or statute allegedly violated, if appropriate. When there is more than one offense, each offense should be numbered chronologically.

(Set forth a brief summary of the facts sufficient to advise the defendant of the nature of the offense(s) charged. A citation to the statute(s) allegedly violated, without more, is not sufficient. In a summary case, you must cite the specific section(s) and subsection(s) of the statute(s) or ordinance(s) allegedly violated.

Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903	Number of Victims Age 60 or Older _____	
<input type="checkbox"/>	5503	(a)(1)	of the	PA Crimes Code	
Lead?	Offense #	Section	Subsection	PA Statute (Title)	Counts
					Grade
					NCIC Code
					AOPC/UCR/NIBRS Code
PennDOT Data (If Applicable)	Accident Number		<input type="checkbox"/> Interstate	<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone

Statute Description (Include the name of the statute or ordinance):

PACC 5503(a)(1) Disorderly Conduct IN THAT, on or about said date, THE DEFENDANT, with intent

Acts of the accused associated with this Offense:

PACC 5503(a)(1) Disorderly Conduct

IN THAT, on or about said date, THE DEFENDANT, with intent to cause substantial public inconvenience, annoyance or alarm, or recklessly creating a risk thereof, he engages in fighting or threatening, or in violent or tumultuous behavior. The defendant, despite being warned by police just moments prior, yelled derogatory comments at an organization that was holding a permitted event, in violation of Section 5503(a)(1) of the PA Crimes Code.

CONFIDENTIAL

Confidential Information Form Criminal Complaint

Complete the defendant's SSN Information if known. If this form is submitted as part of a Criminal Complaint, the NCIC Cautions/Medical Conditions and Scars/Marks/Tattoos should also be completed if known.

Docket Number:	Date Filed: 06/03/2023	OTN/LiveScan Number	Complaint/Incident Number 23-021028
Defendant Name	First: DAMON	Middle:	Last: ATKINS
NCIC Cautions and Medical Conditions (Check up to 9)			
<input type="checkbox"/> 00	<input type="checkbox"/> 20	<input type="checkbox"/> 50	<input type="checkbox"/> 70
<input type="checkbox"/> 05	<input type="checkbox"/> 25	<input type="checkbox"/> 55	<input type="checkbox"/> 80
<input type="checkbox"/> 10	<input type="checkbox"/> 30	<input type="checkbox"/> 60	<input type="checkbox"/> 85
<input type="checkbox"/> 15	<input type="checkbox"/> 40	<input type="checkbox"/> 65	<input type="checkbox"/> 90
Scars, Marks, Tattoos NCIC Codes			

Pursuant to the Case Records Public Access Policy of the Unified Judicial System of Pennsylvania, the Confidential Information Form shall accompany a filing where confidential information is required by law, ordered by the court, or otherwise necessary to effect the disposition of a matter. This form, and any additional pages, shall remain confidential, except that it shall be available to the parties, counsel of record, the court, and the custodian. This form, and any additional pages, must be served on all unrepresented parties and counsel of record.

This Information Pertains To:	Confidential Information:	Reference in Filing:
ATKINS, DAMON (full name of adult) OR This information pertains to a minor with the Initials of _____ and the full name of _____ (full name of minor) and date of birth of: _____	Social Security Number (SSN): _____ Financial Account Number (FAN): _____ Driver's License Number (DLN): _____ State of Issuance (DLN): _____ Expires (DLN): _____ State Identification Number (SID): _____	Alternative Reference: SSN1 Alternative Reference: FAN1 Alternative Reference: DLN1 Alternative Reference: SID1

Additional page(s) attached, _____ total pages are attached to this filing.

I certify that this filing complies with the provisions of the Case Records Public Access Policy of the Unified Judicial System of Pennsylvania that require filing confidential information and documents differently than non-confidential information and documents.

Bradley McCune
 Signature of Attorney or Affiant
 Name: BRADLEY MCCUNE
 Address: 815 WASHINGTON ST.
READING, PA 19601

06/03/2023
 Date
 Attorney Number: (If applicable) _____
 Telephone: _____
 Email: _____

CONFIDENTIAL

**POLICE CRIMINAL COMPLAINT**

Docket Number:	Date Filed: 06/03/2023	OTN/LiveScan Number	Complaint/Incident Number 23-021028
Defendant Name	First: DAMON	Middle:	Last: ATKINS

AFFIDAVIT OF PROBABLE CAUSE

On June 03, 2023 at 0900 I was assigned to work a Community Event in the 800 block of Washington St. The event was a flag raising ceremony at City Hall for the beginning of Pride Month. This event was approved by the City and the organizers were issued a permit. There were a few protesters on location. I told them that they had to stay on the opposite side of the street and that they could not be disruptive.

At approximately 10:05 another male, later identified as DAMON ATKINS, arrived at the location. He was carrying a sign with a slogan written on it that showed his opposition to the event. He began to yell to the people at the event. I immediately approached him and told him that, while he was free to stand on that side of the street and hold his sign, he could not cross the street nor yell comments intended to disrupt the event. ATKINS said he understood.

Less than a minute later he resumed yelling derogatory comments to the people at the event. Because I had already given him warning, I immediately told him he was being arrested for disorderly conduct. Officer Dupree and I handcuffed him escorted him away from the location to await transport to Central Processing.

I respectfully request ATKINS be arraigned for disorderly conduct (M3)

I, MCCLURE, BRADLEY T, BEING DULY SWORN ACCORDING TO THE LAW, DEPOSE AND SAY THAT THE FACTS SET FORTH IN THE FOREGOING AFFIDAVIT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

I CERTIFY THAT THIS FILING COMPLIES WITH THE PROVISIONS OF THE CASE RECORDS PUBLIC ACCESS POLICY OF THE UNIFIED JUDICIAL SYSTEM OF PENNSYLVANIA THAT REQUIRE FILING CONFIDENTIAL INFORMATION AND DOCUMENTS DIFFERENTLY THAN NON-CONFIDENTIAL INFORMATION AND DOCUMENTS.

Sgt. Bradley McClure #668
(Signature of Affiant)

Sworn to me and subscribed before me this _____ day of _____,

_____, Date _____, Magisterial District Judge

My commission expires first Monday of January,

SEAL

Page: 1 of 1

Offense Date: June 03, 2023

Prosecutor's Name: Sgt. Bradley McClure #668

Name: _____
Address: _____
Address: _____
Phone: _____

Name: _____
Address: _____
Address: _____
Phone: _____

Name: _____
Address: _____
Address: _____
Phone: _____

Name: _____
Address: _____
Address: _____
Phone: _____

COMMONWEALTH OF
PENNSYLVANIA
COUNTY OF BERKS

Magisterial District Number: 23-1-03

MDJ: Hon. KYLEY SCOTT
633 COURT ST
3RD FL
Address: READING, PA 19601
Telephone: 610-378-5101**POLICE CRIMINAL COMPLAINT**
COMMONWEALTH OF PENNSYLVANIA

VS.

DEFENDANT:

(NAME and ADDRESS):

DAMON

ATKINS

First Name

Middle Name

Last Name

Gen

NCIC Extradition Code Type

- ☐ 1-Felony Full ☐ 5-Felony Pend. ☐ C-Misdemeanor Surrounding States ☐ Distance:
- ☐ 2-Felony Ltd. ☐ 6-Felony Pend. Extradition Determ. ☒ D-Misdemeanor No Extradition
- ☐ 3-Felony Surrounding States ☐ A-Misdemeanor Full ☐ E-Misdemeanor Pending
- ☐ 4-Felony No Ext ☐ B-Misdemeanor Limited ☐ F-Misdemeanor Pending Extradition Determ.

DEFENDANT IDENTIFICATION INFORMATION

Docket Number Date Filed OTN/LiveScan Number Complaint/Incident Number Request Lab Services?

06/03/23 23-021028 ☐ YES ☒ NO

GENDER ☒ Male ☐ Female DOB AKA First Name Middle Name Last Name Add'l DOB Co-Defendant(s) ☐ Gen.

RACE ☒ White ☐ Asian ☐ Black ☐ Native American ☐ Unknown

ETHNICITY ☐ Hispanic ☒ Non-Hispanic ☐ Unknown

HAIR COLOR ☐ GRY (Gray) ☐ RED (Red/Aubn.) ☐ SDY (Sandy) ☐ BLU (Blue) ☐ PLE (Purple) ☒ BRO (Brown)

☐ BLK (Black) ☐ ONG (Orange) ☐ WHI (White) ☐ XXX (Unk/Bald) ☐ GRN (Green) ☐ PNK (Pink)

☐ BLN (Blonde / Strawberry)

EYE COLOR ☐ BLK (Black) ☒ BLU (Blue) ☐ BRO (Brown) ☐ GRN (Green) ☐ GRY (Gray)

☐ HAZ (Hazel) ☐ MAR (Maroon) ☐ PNK (Pink) ☐ MUL (Multicolored) ☐ XXX (Unknown)

DNA ☐ YES ☒ NO DNA Location WEIGHT (lbs.)

EPI Number MNU Number 200

Defendant Fingerprinted ☐ YES ☐ NO Ft. HEIGHT (in)

Fingerprint Classification 6 6

DEFENDANT VEHICLE INFORMATION

Plate # State Hazmat Registration Sticker (MM/YY) Comm'l Veh. Ind. School Veh. Oth. NCIC Veh. Code Reg. same as Def.

VIN Year Make Model Style Color

Office of the attorney for the Commonwealth ☐ Approved ☐ Disapproved Because:

(The attorney for the Commonwealth may require that the complaint, arrest warrant affidavit, or both be approved by the attorney for the Commonwealth Prior to filing. See Pa.R.Crim.P. 507).

(Name of the attorney for the Commonwealth)

(Signature of the attorney for the Commonwealth)

(Date)

I, MCCLURE, BRADLEY T

(Name of the Affiant)

of Reading Police Department

(Identify Department or Agency Represented and Political Subdivision)

668
PSP/MPOETC-Assigned Affiant ID Number and Badge #PA0061400
(Police Agency ORI Number)

do hereby state: (check appropriate box)

1. ☒ I accuse the above named defendant who lives at the address set forth above
- ☐ I accuse the defendant whose name is unknown to me but who is described as

☐ I accuse the defendant whose name and popular designation or nickname are unknown to me and whom I have therefore designated as John Doe or Jane Doe

with violating the penal laws of the Commonwealth of Pennsylvania at [23-1-03]

(Subdivision Code)

(Place-Political Subdivision)

800 BLOCK WASHINGTON ST, READING, BERKS COUNTY, PA

in BERKS

County [06]

(County Code)

on or about 06/03/2023 AT 10:08 AM

(Offense Date)

**POLICE CRIMINAL COMPLAINT**

Docket Number:	Date Filed: 06/03/2023	OTN/LiveScan Number	Complaint/Incident Number 23-021028
Defendant Name	First: DAMON	Middle:	Last: ATKINS

2. I ask that a warrant of arrest or a summons be issued and that the defendant be required to answer the charges I have made.

3. I verify that the facts set forth in this complaint are true and correct to the best of my knowledge or information and belief. This verification is made subject to the penalties of Section 4904 of the Crimes Code (18 Pa.C.S. § 4904) relating to unsworn falsification to authorities.

4. This complaint consists of the preceding page(s) numbered _____ through _____.

5. I certify that this filing complies with the provisions of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* that require filing confidential information and documents differently than non-confidential information and documents.

The acts committed by the accused, as listed and hereafter, were against the peace and dignity of the Commonwealth of Pennsylvania and were contrary to the Act(s) of the Assembly, or in violation of the statutes cited.

(Before a warrant of arrest can be issued, an affidavit of probable cause must be completed, sworn to before the issuing authority, and attached.)

(Date)

Sgt. Bradley McElm #668
(Signature of Affiant)

AND NOW, on this date _____ I certify that the complaint has been properly completed and verified.

An affidavit of probable cause must be completed before a warrant can be issued.

(Magisterial District Court Number)

(Issuing Authority)

SEAL



POLICE CRIMINAL COMPLAINT

Docket Number:	Date Filed: 06/03/2023	OTN/LiveScan Number	Complain/Incident Number 23-021028
Defendant Name	First: DAMON	Middle:	Last: ATKINS

The acts committed by the accused are described below with each Act of Assembly or statute allegedly violated, if appropriate. When there is more than one offense, each offense should be numbered chronologically.

(Set forth a brief summary of the facts sufficient to advise the defendant of the nature of the offense(s) charged. A citation to the statute(s) allegedly violated, without more, is not sufficient. In a summary case, you must cite the specific section(s) and subsection(s) of the statute(s) or ordinance(s) allegedly violated.

Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903	Number of Victims Age 60 or Older _____	
<input type="checkbox"/>	5503	(a)(1)	of the	PA Crimes Code	
Lead? Offense #	Section	Subsection	PA Statute (Title)	Counts	Grade NCIC Code AOPC/UCR/NIBRS Code
					90C 240 90C
PennDOT Data (If Applicable)	Accident Number		<input type="checkbox"/> Interstate	<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone

Statute Description (Include the name of the statute or ordinance):

PACC 5503(a)(1) Disorderly Conduct IN THAT, on or about said date, THE DEFENDANT, with intent

Acts of the accused associated with this Offense:

PACC 5503(a)(1) Disorderly Conduct

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Additional page(s) attached, _____ total pages are attached to this filing.

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Bradley McCune
 Signature of Attorney or Affiant
 Name: BRADLEY MCCUNE
 Address: 815 WASHINGTON ST.
READING, PA 19601

06/03/2023
 Date
 Attorney Number: (If applicable) _____
 Telephone: _____
 Email: _____

CONFIDENTIAL

**POLICE CRIMINAL COMPLAINT**

Docket Number:	Date Filed: 06/03/2023	OTN/LiveScan Number	Complaint/Incident Number 23-021028
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Sgt. Bradley McClure #668
(Signature of Affiant)

Sworn to me and subscribed before me this _____ day of _____,

_____, Date _____, Magisterial District Judge

My commission expires first Monday of January,

SEAL

Page: 1 of 1

Offense Date: June 03, 2023

Prosecutor's Name: Sgt. Bradley McClure #668

READING 0015



COPY

John T. Adams
District Attorney

Claudia Ferko
Deputy Director

OFFICE OF THE
BERKS COUNTY DISTRICT ATTORNEY
633 COURT STREET
READING, PENNSYLVANIA 19601-4317
TELEPHONE: 610-475-6101
FAX: 610-475-6102
www.co.berks.pa.us/dept/da

Denais J. Skaylan
First Assistant District Attorney

Michael J. Gombour
Chief County Detective

June 7, 2023

Via Facsimile Transmission -- (610) 378-0441

Magisterial District Judge Kyley Scott
Berks County Services Center
633 Court Street, 3rd Floor
Reading, PA 19601

Re: Commonwealth of Pennsylvania v. Damon Atkins
Docket Number: CR-139-23
OTN: R 486972-3

Dear MDJ Scott:

The above-captioned criminal complaint was filed on June 3, 2023, and the defendant is scheduled for a preliminary hearing on June 16, 2023. Due to insufficient evidence and prosecutorial discretion, please accept this letter as a request for the withdrawal of the above-captioned charges docketed to the above docket number.

If you have any questions or concerns, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Adams", is written over a horizontal line.

JOHN T. ADAMS
District Attorney
Berks County, Pennsylvania

JTA:js

cc: Sgt. Bradley T. McClure, Reading Police Department - (Incident #23-021028)
Chief Richard Torrielli, Reading Police Department

Plaintiff's App 00005